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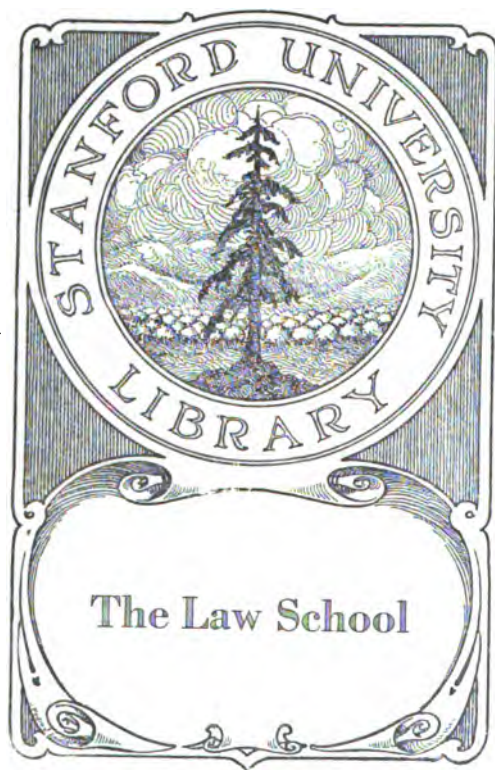
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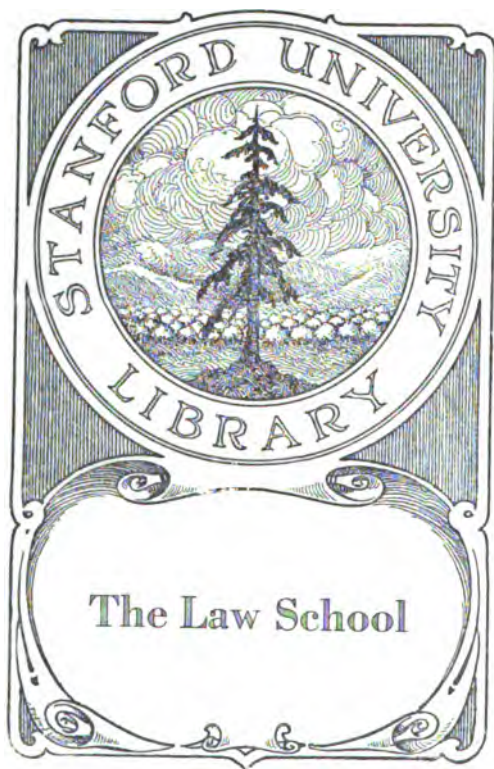
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Tennessee Collection



Temple Collection

PUBLIC ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION

OF THE

THIRTY-SECOND GENERAL ASSEMBLY,

FOR THE YEARS 1857-8.

PUBLISHED BY AUTHORITY.

NASHVILLE:
G. C. TORBETT & COMPANY, PRINTERS.
1858.

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YASRU 0907412

TABLE OF CONTENTS

OF THE

PUBLIC ACTS PASSED BY THE GENERAL ASSEMBLY

OF 1857-8.

	Page.
An act for the distribution of the Public Acts.	51
ADMINISTRATION.	
An act granting administration under certain circumstances.....	3
ADVERTISING.	
An act to amend an act requiring the sale of lands and slaves to be advertised in a newspaper.....	105
APPEALS.	
An act to prevent useless expenses in appeals and writs of error.....	4
ARMS.	
An act to provide for collecting and keeping the public arms, and for other purposes.....	89
BANKS.	
An act to enforce the resumption of specie payments by the suspended banks, and to offer for their acceptance certain amendments to their charters, and for other purposes.....	27
An act to extend the time of acceptance to the suspended banks.....	82
An act to provide for the voluntary liquidation of the free banks.....	86
BLIND.	
An act to provide for the Blind School, and for other purposes.....	79
COUNTY JUDGES.	
An act to repeal the act of 1856, creating the office of county judge	3
An act to create and regulate the office of county judge in the counties of Davidson, Shelby, Knox, Montgomery, and Williamson.....	46
An act to transfer the books, warrants, and papers, of the county judge to the chairman of the county court.....	73

CORPORATIONS.

	Page.
An act to prevent abuses in municipal corporations	4
An act to authorize municipal corporations to hold real estate, to amend the corporation laws of the town of Altamont, and to amend the corporation laws of the town of Murfreesboro'	35

COUNTIES AND COUNTY LINES.

An act to establish the county of Sequatchie in this State, and to change the county lines between the counties of Grundy and Franklin, Marshall and Lincoln, Hardeman and McNairy.	7
An act to amend an act, entitled, An act for the collection of debts against counties, ch. 90, passed February 11, 1856.	15
An act to change the line between the counties of Campbell and Scott, Fentress and Cumberland, DeKalb and Putnam.	44
An act to change the line between the counties of Grundy and Sequatchie, Jefferson and Grainger, Van Buren and White, DeKalb and Smith, Polk and Bradley, Wilson and Cannon, Rutherford and Coffee, Haywood and Madison, and the counties of Anderson and Roane.	57
An act for the benefit of Blount county; to authorize the County Court of Knox to fix the compensation of railroad tax collectors; to amend the first section of an act passed 8th of February, 1858, entitled, "An act to produce uniformity in the reports of railroad companies," &c., and to protect timber, &c., near railroad lines.	76
An act requiring survey to be made before any change shall hereafter be made in any county lines, and for other purposes.	91

CONSTITUTION.

An act to authorize the people to call a convention to revise, alter, or amend the Constitution of the State of Tennessee.	84
---	----

CIRCUIT COURTS.

An act to regulate the times of holding the circuit courts in Obion and other counties.	20
An act to change the time of holding the circuit courts in the county of Hardin.	41
An act to systematize, and prescribe the times of holding the circuit courts.	110

LAW COURT.

An act to establish a Law Court at Chattanooga	23
An act to authorize courts of law to afford relief to persons exposed to the claims of two or more adverse parties, and for other purposes.	70

CRIMINAL COURTS.

An act for the benefit of the Criminal Courts of Tennessee.	15
An act to amend the criminal laws of this State.	80
An act to provide for keeping of criminal causes in court, and to pay the costs thereon, and for other purposes.	102

CHANCERY COURTS.

An act to establish a Chancery Court in the town of Huntsville, in Scott county, and for other purposes.	6
An act to establish a Chancery Court in the town of Sneedville.	33
An act to prevent circuitry of action in the chancery courts.	71
An act to systematize and prescribe the times and places of holding the chancery courts.	96

COUNTY COURTS.

An act to amend the act of 1849-50, ch. 77, sec. 2, in the absence of a county surveyor, to give the courts power to appoint one to lay off dower, &c.	81
---	----

CONTENTS.**v.****CLERKS.****Page.**

An act to regulate the fees and commissions of clerks, and other officers, and for other purposes.....	61
An act directory to clerks and assessors.....	109

CONSTABLES.

An act to authorize constables to serve subpoenas in certain cases.....	37
An act for the benefit of constables.....	43

COUNSEL.

An act to provide counsel for the poor.	72
--	----

DEAF, DUMB AND BLIND.

An act for the benefit of the deaf and dumb, and of the blind.....	86
--	----

EXEMPTION.

An act to reduce into one all laws upon the subject of exempting property from execution and attachment in this State.....	21
--	----

ESTATES.

An act to provide for the distribution of decedents' estates in certain cases.	108
--	-----

FELONY.

An act declaring it a felony to carry concealed about the person, false or skeleton keys, &c.	93
--	----

FREE NEGROES.

An act to provide for the voluntary enslavement of free persons of color in this State.....	55
---	----

GENERAL GOVERNMENT.

An act ceding to the United States of America exclusive jurisdiction over certain lands, and their appurtenances, within the limits of the State of Tennessee, and for other purposes therein mentioned.....	1
--	---

HOSPITALS.

An act to amend an act, entitled, An act for the benefit of the Tennessee Hospital for the Insane, passed February 7, 1856.....	66
---	----

ILLEGITIMATES.

An act for the benefit of illegitimate children.....	76
--	----

INDIVIDUALS.

An act to amend the act of 1856, ch. 118, entitled, "An act to provide a remedy in favor of private individuals against the State.".....	72
--	----

INSURANCE COMPANIES.

An act relative to unclaimed dividends of Insurance Companies.....	95
--	----

JAILORS.

An act for the relief of Spencer Henry, tax-collector for Blount county, and for the benefit of Jailors in this State.....	49
--	----

JURORS.

An act to increase the pay of Jurors of this State.....	7
---	---

JUDICIAL.	
	Page
An act to create the Fifteenth Judicial District.....	18
An act to provide for the adjudication of causes in cases of incompetency of Judges and Chancellors; to change the time of holding certain courts, and to authorize the transfer of certain criminal causes for trial to the County Court of Knox County.....	101
An act to establish the Sixteenth Judicial Circuit.....	106
JUDGMENTS BY MOTION.	
An act to amend the general law in force in this State, authorizing judgments by motion against collecting officers.....	49
LAND TITLES.	
An act giving further time to perfect land titles in this State.....	2
MECHANICS.	
An act to give Mechanics' lien priority over mortgages in certain cases.....	26
An act to amend the Mechanics' lien Law, and to extend its provisions to Foundrymen and Machinists.....	74
MEDICAL.	
An act to secure Medical Fees under certain circumstances.....	78
MILLDAMS AND MILLS.	
An act to authorize the erection of Milldams across Duck river, at any point below the town of Columbia, and to give direction to Soam Waddle and Moses Moore, how to build their Milldam across Nolledchucky river	60
An act to amend the laws in regard to Steam-Mills.....	81
MILITARY.	
An act to abolish Military Duty.....	41
MILK SICK.	
An act to protect stock from Milk Sick.....	94
MISCHIEF.	
An act for the more effectual prevention of wanton and malicious Mischief...	75
MISCELLANEOUS.	
An act to repeal the proviso of the second section of an act passed 28th February, 1862, ch. 853.....	46
PATROLS.	
An act to repeal the first, third and fourth sections of an act to establish a system of Patrols, passed February 26, 1856.....	2
PENITENTIARY.	
An act for the regulation of the salaries of the officers of the Penitentiary, and for other purposes.....	105
PRINTING.	
An act on Public Printing.....	18
RAILROADS.	
An act for the benefit of the Nashville and Chattanooga Railroad, and Winchester and Alabama Railroad, and all laterals, and main trunk roads....	5
An act to amend the act passed January 22, 1852.....	19

CONTENTS.

vii.

Page.

An act to produce uniformity in the reports of Railroad Companies, and define the duties of Road Commissioner.....	37
An act to amend an act passed February 28, 1856, entitled, An act to guard against accidents on railroads.....	54
An act directory to railroads as to the time of stopping at the intersection of any other road.....	59

REDEMPTION.

An act to amend and construe the Redemption Laws of this State.....	57
---	----

RENTS.

An act to amend the act of 1825, ch. 21, sec. 1, and for other purposes.....	64
--	----

REVENUE LAWS.

An act to repeal the 14th Section of an act passed February 28, 1856, and to amend the Revenue Laws, &c	11
An act to amend the Revenue Laws of this State.....	42
An act for the relief of Sheriffs and Revenue collectors who have accounted for the State and County Revenue.....	73
An act to regulate the commissions of Revenue collectors and county Trustees	108

SCHOOLS.

An act to amend the act of 1856, entitled, "An act to prevent incompetent persons from teaching Free Schools.....	84
---	----

SLAVES.

An act to punish Burning by Slaves.....	18
An act in relation to the assessment and taxes on hired Slaves.....	50
An act to amend the law in relation to the punishment of Slaves.....	94

STATE.

An act to preserve the credit of the State.....	78
---	----

STATE LINE.

An act to appoint Commissioners to re-mark the State Line between Tennessee and Kentucky, East of the Mississippi river.....	32
An act to fix the boundary line between Tennessee and Virginia.....	52

SURETIES.

An act to amend the first section of an act passed February 5, 1850.....	19
--	----

SURVEYORS.

An act empowering Surveyors to qualify Commissioners to partition real estate.....	65
--	----

SUPREME COURT.

An act to secure the publication of the opinions of the Supreme Court, and for other purposes.....	68
An act to furnish Clerks and Masters with the reports of the Supreme Court and for other purposes.....	90

TAXES.

An act to secure the collection of Taxes in certain cases.....	44
An act to amend the act of 1844, ch. 92, in relation to the sale of land for taxes.....	80
An act to regulate taxes in incorporated towns	89
An act to enforce returns of tax statements by Clerks of County Courts.....	100

TIPPLING.		Page
An act to re-establish the Tippling Law.....		17
TRUSTEES.		
An act to allow Trustees to resign in certain cases, and their securities to give them up in certain cases.....		83
VENDERS OF LANDS.		
An act to make more secure the rights of Venders of Lands.....		61
WEIGHTS AND MEASURES.		
An act supplementary to an act passed March 1, 1856, to regulate Weights and Measures in this State.....		66

PUBLIC ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE THIRTY-SECOND GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON MONDAY THE FIFTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

CHAPTER 1.

AN ACT ceding to the United States of America exclusive jurisdiction over certain lands, and their appurtenances, within the limits of the State of Tennessee, and for other purposes therein mentioned.

WHEREAS, The Congress of the United States, has appropriated certain moneys, for the purchase of suitable sites for public buildings, in the cities of Nashville, Knoxville and Memphis, in the State of Tennessee, for the accommodation of Custom Houses, Post Offices, and United States District Courts, and their several officers: And, whereas, it is deemed highly expedient, that such buildings be erected within the limits of this State: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the exclusive jurisdiction over so much land, as may have been purchased by the United States, for the above recited purposes, or may be hereafter purchased for similar purposes, or for other public uses, is hereby ceded to the United States, so long as said land, and the buildings thereon, shall be used or occupied for the public service.

Exclusive jurisdiction.

SEC. 2. *Be it further enacted*, That all the lands over which exclusive jurisdiction is hereby ceded, and the build

Exempt from taxation

ings and property thereon, or which may be placed thereon hereafter by the United States, or agents of the government, shall be exempt from all State, county, and municipal taxation and assessments, so long as the said lands and property shall remain in the possession of the United States of America, for the purposes aforesaid.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed October 14, 1857.

CHAPTER 2.

AN ACT giving further time to perfect titles to lands in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the further time of two years, and until the next regular session of the General Assembly of the State of Tennessee, be given to all persons to make surveys and perfect titles to lands, upon all entries made prior to the passage of this act.

SEC. 2. *Be it further enacted,* That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed October 30, 1857.

CHAPTER 3.

AN ACT to repeal the first, third and fourth sections of an act, to establish a system of Patrois, passed February 26, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the first, third and fourth sections of An Act, entitled "an act to establish a system

of Patrols," passed February 26, 1856, be and the same is hereby repealed.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed November 4, 1857.

CHAPTER 4.

AN ACT granting administration under certain circumstances.

Be it enacted by the General Assembly of the State of Tennessee, That limitations as to time for granting letters of administration, specified in section 3, chapter 24, of an act passed in 1831, and in section 3, chapter 86, of an act passed in 1835, shall not debar the courts from granting a special administration in order to enable the applicant to prosecute a claim against the General Government, when it may appear to the satisfaction of the court, that the granting of such administration is necessary, in order to prosecute the claim successfully.

DANIEL S. DONELSON,
Speaker of the House of Representatives
 JOHN C. BURCH,
Speaker of the Senate.

Passed November 4, 1857.

CHAPTER 5.

AN ACT to repeal the act of 1856, creating the office of County Judge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed the 22d of February, 1856, creating the office of County Judge, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act shall take effect from and after the first day of January, 1858.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed November 4, 1857.

CHAPTER 6.

AN ACT to prevent useless expenses in Appeals and Writs of Error.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any cause may have heretofore been removed, or may hereafter be removed, by Appeal or Writ of Error, from any of the Chancery or Circuit Courts of this State to the Supreme Court of this State, and that said Supreme Court may have remanded, or shall hereafter remand, such cause to the Chancery or Circuit Court, for further proceedings, any party interested in such cause, and who may be dissatisfied with any decree of the Chancellor, or judgment of the Court, after the cause shall have been, or may hereafter be, remanded as aforesaid, may remove the cause again to the Supreme Court by Appeal or Writ of Error, without procuring a transcript of the whole record in the cause, but only of such proceedings, and such testimony, as may have been produced after such cause was remanded; and upon the trial of such last mentioned Appeal or Writ of Error, it shall, and may be lawful for the Supreme Court to look to the transcript originally filed in the cause, in connection with a transcript of the proceedings subsequently had as aforesaid.

SEC. 2. This act shall operate upon all Appeals and Writs of Error heretofore granted, where the course provided for above has been pursued, and the Court shall proceed thereon, as if this act had been in force before said Appeal or Writ of Error was granted.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 4, 1857.

CHAPTER 7.

AN ACT to prevent abuses in Municipal Corporations.

Be it enacted by the General Assembly of the State of Tennessee, That no person holding office under the charter or ordinances of any municipal corporation, shall, during

the time for which he was elected, or appointed, be capable of contracting with such corporation for the performance of any work which is to be paid for out of the corporation treasury. Nor shall such person be capable of holding, or having any interest in such contract, either by himself, or by another, directly or indirectly. Every alderman, and officer of such corporation, who shall be concerned in making such contract, or who shall pay money upon any such contract to, or for, any person declared incapable in the above section, shall forfeit the amount so paid, and they shall be jointly and severally liable to an action of debt for the same, which action may be prosecuted by any citizen of the corporation in its name.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 9, 1857.

CHAPTER 8.

AN ACT for the benefit of the Nashville and Chattanooga Railroad, and Winchester and Alabama Railroad, and all laterals, and main trunk roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Nashville and Chattanooga Railroad Company are hereby authorized and empowered to lease the Winchester and Alabama Railroad, and the branch to Fayetteville, or any other railroad connecting with said Nashville and Chattanooga Railroad, for such time, and upon such terms and conditions as may be agreed upon between the President and Directors of the said Nashville and Chattanooga Railroad Company, and the President and Directors of the railroad company contracted with. May lease.

SEC. 2. *Be it further enacted;* That the companies of all laterals and main line railroad companies shall be entitled to the benefits of this act, and shall have the benefits, and privileges, and powers conferred on the said companies mentioned in the first section of this act. Other roads same privilege.

SEC. 3. *Be it further enacted,* That all railroad companies availing themselves of the provisions of this act, as well as the companies specified in the first section, shall, in the hands of the lessees, be liable to all liens in favor of the State, and to all liabilities imposed by their charters, or the Lessees liable to all liens.

general law of the land, in the same manner that the company or companies so leasing would have been had no lease been made: *Provided*, That the payment of the sinking fund, provided for by existing laws; shall be secured by the company so leasing said roads.

May fix on place
of meeting.

SEC. 4. *Be it further enacted*, That the charter of the Nashville and Chattanooga Railroad Company be so amended that the stockholders may, at any meeting, fix on the day and place, or places, where the subsequent meetings of stockholders, and election of directors shall be held.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 11, 1857.

CHAPTER 9.

AN ACT to establish a Chancery Court at the town of Huntsville, in Scott county, and for other purposes.

Huntsville. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a chancery court be, and the same is hereby established in the town of Huntsville, in the county of Scott, and the Chancellor of the fifth chancery division be required, and it is hereby made his duty to hold said court.

SEC. 2. *Be it further enacted*, That the first term of said chancery court at Huntsville, shall be held on the first Thursday after the second Monday in April, 1858, and forever after, on the first Thursdays after the second Mondays in April and October.

Kingston and
Montgomery.

SEC. 3. *Be it further enacted*, That, hereafter, the chancery courts at Montgomery shall be held on the third Mondays in April and October; at Kingston, on the first Thursdays after the third Mondays in April and October.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 23, 1857.

CHAPTER 10.

AN ACT to increase the pay of Jurors of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Grand and Traverse Jurors, and Talesmen, detained over night, be allowed one dollar and fifty cents (\$1,50) per day for their services, from and after the passage of this act.

SEC. 2. *Be it further enacted*, That all laws heretofore passed in conflict with this act are hereby repealed.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 24, 1857.

CHAPTER 11.

AN ACT to establish the County of Sequatchie, in this State, and to change the county lines between the counties of Grundy and Franklin, Marshall and Lincoln, Hardeman and McNairy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county is hereby established, by the name of Sequatchie, and formed out of the county of Hamilton, and bounded as follows: beginning on a white oak, at the head waters of the middle prong of Collins' river, near John Lockheart's, being a corner of Marion and Grundy counties; thence southerly three-fourths of a mile, to a small white oak; thence easterly to the bluff of Cumberland mountains, opposite T. Hick's, and opposite Hendrick's creek; thence following the meanders of Hendrick's creek, formerly the southern boundary line of the second district of Marion county, to Sequatchie river, thence following the meanders of said river to Standifer's creek; thence up said creek to its source, near Henry Grayson's mill; thence south-easterly, up Walden's ridge, to the Hamilton county old line, (which is supposed to divide Walden's ridge in the centre); thence north-easterly with said line, to a poplar, on the Hamilton and Bledsoe county line; thence north-westerly to a lot line, which lot line was the north boundary of the tenth district of Bledsoe county; thence following the course of said lot line to Brush creek, to its intersection with the Bledsoe and Van Buren county lines, near J. Hitchcock's;

thence south-westerly, with the Van Buren line, to a white oak on the old Savage road, being a corner of Van Buren, Grundy and Hamilton (formerly Marion) counties; thence southerly to the beginning corner, with the county line between Grundy and Hamilton, (formerly Marion.)

SEC. 2. *Be it further enacted*, That the said county of Sequatchie shall have all of the powers and privileges, and be subject to all the restrictions of other counties in this State, and the citizens thereof shall vote with the counties from which they are taken, for members of the General Assembly, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the amended constitution.

SEC. 3. *Be it further enacted*, That, for the due administration of justice, the different courts to be held in the said county of Sequatchie, shall be holden at a new meeting house near William Rankin's, on Coop's Creek, until the seat of justice for said county shall be located, and a suitable house erected for the purpose of holding the courts in; and the county court shall, in the intermediate time, have full power to adjourn the courts to such other place in said county as they may deem suited for the holding of the same; and to adjourn to the seat of justice when, in their judgment, the necessary arrangements are made for the holding said courts, and all writs and other process returnable to either place, shall be returned to the place to which said courts may have adjourned by the county court as aforesaid; and the said courts to be holden in and for said county of Sequatchie aforesaid, shall be under the same rules, regulations, and restrictions, and shall have, hold, exercise, and possess the same power and jurisdiction as are possessed by said courts in other counties of this State.

SEC. 4. *Be it further enacted*, That all officers, civil and military, which were, on the twentieth of September last, in the fractions of which said county of Sequatchie was formed, shall continue to hold their offices and exercise all the powers thereof—have the same jurisdiction as other officers in this State, as they had on said twentieth of September, until others are elected under the provisions of the Constitution, and said county of Sequatchie shall be placed upon an equal footing, and possess equal powers and privileges in all respects as other counties in this State.

SEC. 5. *Be it further enacted*, That the circuit courts shall be held for the county of Sequatchie by the Judge of the third judicial circuit, on the fourth Mondays in January, May, and September, and shall hold its terms at the school house near William Rankin's, on Coop's Creek, un-

til notified that the justices of said county have removed the holdings of the court of said county to the seat of justice, and shall adjourn to the seat of justice.

SEC. 6. *Be further enacted*, That it shall be the duty of the county court of said county, so soon as the commissioners appointed by this act shall designate a suitable place for the seat of justice for said county, which shall be within four miles of the center of said county, to appoint five commissioners to whom the said commissioners appointed by this act, shall convey the land acquired for the use of the county aforesaid, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off with as many streets, and of such width as they may deem proper and necessary, and with such sized lots as they think proper, reserving three acres for a public square, upon which a court house shall be erected; and a lot shall be reserved sufficient for a jail, and shall reserve such lots for churches as they may see proper; and said town, when laid off, then be known by the name of Dunlap; and the said commissioners shall proceed to sell the lots upon at least twelve months credit; they shall reserve a lot suitable for a county academy, and shall give due notice of the time and place of sale, which shall be on the premises, and shall take bond with sufficient security from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple, as commissioners, to the respective purchasers.

SEC. 7. *Be it further enacted*, That the proceeds of the sale aforesaid, shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of the land on which the county seat is rested and located, and also of the erecting a court house and jail for said county, and the said commissioners shall superintend the building of the court house and jail and other necessary buildings, and shall let out said buildings as the county court may order, upon such terms as said court may order, and shall take bond with sufficient security from the persons to whom the same is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of the contract.

SEC. 8. *Be it further enacted*, That said commissioners shall, before they enter upon the duties of their appointment, take an oath that they will truly and faithfully perform the different duties by this act enjoined upon them, according to their best judgement, and shall enter into bond and security in the sum of five thousand dollars to

the chairman of the county court of Sequatchie aforesaid, conditioned for the faithful performance of their duties as conferred upon them by this act, which bond shall be deposited in the office of the clerk of the county court of said county; they shall keep a regular account of all monies by them received and expended, and make due return of the same to the county court of said county, and shall in all things be subject to the order of said court in relation to the buildings and funds, and shall account for all moneys and funds in their hands when required by said court, and shall be entitled to such compensation as the county court may think reasonable.

SEC. 9. *Be it further enacted*, That the first county court for said county shall be held on the first Monday of January, 1858, and shall perform all the duties of other county courts; and the first circuit court shall be held on the fourth Monday in May, 1858, and shall have all the jurisdiction of other circuit courts.

SEC. 10. *Be it further enacted*, That John H. Rogers, John L. Stone, B. L. Bennett, John Pickett, Franklin Dickens, Samuel W. Robertson, and Byrom Heard, are appointed commissioners to locate the seat of justice in said county of Sequatchie; they shall, so soon as the county court shall notify them, proceed to locate the seat of justice for said county, purchase the land and convey the same to the commissioners as directed in this act; and should any of them fail to attend, the county court shall appoint others to fill their places.

SEC. 11. *Be it further enacted*, That there shall be an election held at the several districts and precincts in said county of Sequatchie, on the first Saturday in March, 1858, at which election the qualified voters of said county shall vote to elect a sheriff, clerk of the circuit and county courts, a register, and trustee, who shall when elected, be qualified at the first term of their respective courts; and the county court shall elect the county officers which they are entitled to elect at their first session; and all elections thereafter for county officers, shall take place at the time fixed by law for the election of such officers, in other counties in this State; and it shall be the duty of the sheriff of Hamilton county to give the notice required by law, and by his deputies, to hold the elections provided for in this section, and to make the same returns and certificates for said county of Sequatchie, which are by law required to be made in other counties.

SEC. 12. *Be it further enacted*, That a county academy is hereby established in said county, known by the name of Bankin Academy, and shall be located in or near the county

town in said county, which said academy shall be entitled to all the rights and emoluments as other academies are entitled to; and the clerks of said courts and justices of the peace shall be entitled to such books as other clerks and justices are entitled to in this State.

SEC. 13. *Be it further enacted*, That the county lines between the counties of Franklin and Grundy, shall be so changed as to commence at old Caldwell bridge and run due south to the Petty old road, so as to include W. G. Gwinn, Lawson Row, and Daniel C. Smith, in the county of Franklin; and the county line between Marshall and Lincoln be so changed as to include Benjamin B. Merritt's residence and farm in the county of Lincoln.

SEC. 14. *Be it further enacted*, That the county line between the counties of Hardeman and McNairy be so changed as to include the dwelling, out-houses, and lands, of Francis Clement, in the county of McNairy.

SEC. 15. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 9, 1857.

CHAPTER 12.

AN ACT to repeal the 14th section of an Act passed February 28, 1856, to amend the Revenue Laws, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the Act of 1856, chapter 74, as creates the office of tax assessor be, and the same is hereby repealed. *Repeal.*

SEC. 2. *Be it further enacted*, That the county court shall, at its January term, each and every year, appoint a revenue commissioner for each civil district in their respective counties, whose duties it shall be to assess the property and polls in and for their respective civil districts for the current year, as required by said act of 1856, chapter 74, for the tax assessor, except so far as the same may be otherwise directed in this act. *Revenue commissioner appointed.*

SEC. 3. *Be it further enacted*, That the revenue commissioners shall, before the first day of March, following,

Assessment before 1st March. complete their assessment of all real and personal estate, subject to taxation within their districts; said assessment to be made upon the real and personal estate, owned by the person giving in his taxable property on the 10th day of January of each year.

Equal and uniform assessment. SEC. 4. *Be it further enacted*, That the revenue commissioners shall upon the Saturday next after their appointment, meet at the court house of their respective counties, where and when they shall agree and determine upon an equal and uniform basis of assessment; and that said commissioners shall make their reports of assessment to the March term of the county court for each year, and it shall be the duty of the clerk of said court, to record said reports in a well bound book, and to make out a tax list for the collector by the first Monday in May of each year, and to deliver the same by that time to the collector. Said assessment shall remain with the county court, open for inspection and collection until that time.

Commissioners meet. SEC. 5. *Be it further enacted*, That said commissioners shall, upon the third Saturday in February of each year, meet at the court house of their respective counties, when and where they shall equalize the assessment; and in the event they shall fail to meet as herein provided, it shall be the duty of the clerk of the county court to report the names of such as are absent to said county court, at its March term thereafter; whereupon it shall be the duty of said court to enter up judgment against said absentees for the sum of not less than fifty dollars, and not more than two hundred dollars, unless it shall appear that said commissioners are absent by reason of sickness or unavoidable accident.

Compensation. SEC. 6. *Be it further enacted*, That the compensation of said commissioners shall be such as the county court may determine.

SEC. 7. *Be it further enacted*, That a majority of the commissioners, at their meeting in February of each year, shall equalize the assessment of property.

Penalty. SEC. 8. *Be it further enacted*, That if any commissioner shall fail to report by the first Monday in March of each year, he shall be liable to a penalty of not less than one hundred dollars nor more than one thousand dollars, for which penalty, said county court may enter judgment against said commissioner so failing, at said March term, or any subsequent term of said court: *Provided*, That said court, for any satisfactory excuse, may release and remit said penalty; and *provided further*, that any commissioner, who by reason of sickness or other sufficient excuse, is unable to perform his duties as such commissioner, may

report the fact to the chairman of the county court, during vacation of the court; and thereupon it shall be the duty of said chairman to appoint some other competent person, a resident of the district, commissioner to fill the vacancy thus made.

SEC. 9. *Be it further enacted*, That all penalties recovered, under this act, shall be appropriated by the county court for county purposes.

SEC. 10. *Be it further enacted*, That the Comptroller shall attend at Knoxville, on the first Monday of March, and at Jackson on the first Monday in April, in each year, to settle with the collectors of revenue for the Eastern and Western divisions of the State respectively, at which time and place the collectors are required to attend and settle, as now required by law.

See act of Feb. 15, 1858, ch. 33, sec. 4.

SEC. 11. *Be it further enacted*, That the county courts shall impose the taxes for county purposes at the January term; but if omitted, may impose them at any subsequent quarterly term.

Taxes for county purposes.

SEC. 12. *Be it further enacted*, That, in counties in which assessments have not been made for the year 1858 by assessors, the county court shall proceed to appoint commissioners at the first court after the passage of this act.

County court appoints commissioners.

SEC. 13. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 16, 1857.

CHAPTER 13.

AN ACT to create the 15th Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of Gibson, Obion, Dyer, and Lauderdale, shall compose a new Judicial District, to be called the 15th Judicial District.

SEC. 2. *Be it further enacted*, The Sheriffs of the said counties of Gibson, Obion, Dyer, and Lauderdale, shall, on the first Saturday of March, 1858, open and hold elections in their respective counties, for a Judge and Attorney for the State for said circuit, under the same rule

Election time and manner of holding.

and regulations as prescribed by the Act of the 5th February, 1854, chapter 32; and the said election shall in all things be conducted, as is prescribed in said Act, for electing Circuit Judges and Attorneys for the State, and the Sheriffs shall make their returns to the Secretary of State, in the same manner prescribed in said Act, and the Secretary of State shall issue a certificate of election to the person having the highest number of votes, as prescribed in said Act.

Salaries and fees. SEC. 3. *Be it further enacted*, The Judges and Attorney for the State shall receive the same salary and fees of office as are now received by other Circuit Judges and Attorneys for the State, and perform the same duties, and have the same power.

Madrid Bend co. SEC. 4. *Be it further enacted*, The Judge and Attorney for the State for the 15th Judicial Circuit, shall be the Judge and Attorney for the State, of the court in Obion county, in the Madrid Bend, west of Reelfoot lake.

The \$1000 Tax repealed. SEC. 5. *Be it further enacted*, That the sixth section of an act passed 28th November, 1855, authorizing the county court of Obion county to levy and collect a tax of one thousand dollars on the taxable property west of said lake, for the purpose of building a court house, be, and the same is hereby repealed.

May appoint Clerk. Three terms. SEC. 6. *Be it further enacted*, That hereafter the Judge shall have the power to appoint a clerk for said court, behind the lake, in case the people fail to elect said Clerk, as in other cases of failing to elect a Clerk; and said act of the 28th of November, 1855, creating said court, be and the same is so amended, that there shall be three terms of said court held in each and every year, instead of two, as provided in said act.

Time of holding court SEC. 7. *Be it further enacted*, That the times of holding the courts in the county of Obion, shall be on the fourth Monday in February, June and October; the times of holding the court west of Reelfoot lake, in said county, shall be on the second Monday in March, July and November; the times of holding the courts in the county of Gibson, shall be on the third Mondays in March, July, and November; the times of holding the courts in the county of Dyer, shall be on the first Mondays in April, August and December; and the times for holding the courts for the county of Lauderdale, shall be the third Mondays in April, August and December.

Humphreys co SEC. 8. *Be it further enacted*, That the county of Humphreys be and is hereby attached to the 9th judicial circuit, and that the Judge thereof hold the circuit courts thereof.

SEC. 9. *Be it further enacted,* That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 17, 1857.

CHAPTER 14.

AN ACT for the benefit of the Criminal Courts of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the State Reporter be and he is hereby authorized to furnish the clerks of the criminal courts with a set of the State Reports, in the same manner and under the same restrictions as the clerks of the various circuit courts of this State are now furnished.

SEC. 2. *Be it further enacted,* That this act have force and effect from and after the date of its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 19, 1857.

CHAPTER 15.

AN ACT to amend an act entitled, An act for the collection of debts against counties chapter 90, passed February 11, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, when any person or persons may have any just claim, either legal or equitable, against any county in this State, it shall be lawful for such person or persons to institute his, her, or their suits against said county in the Circuit Court of said county, if the claim be legal, or in the Court of Chancery in the district in which said county is situated, if the claim be equitable, under the same rules and regulations that govern actions between private individuals. Counties can be sued.

Process to be served on presiding officer.

SEC. 2. *Be it enacted*, That whenever any person may wish to institute suit under the provisions of the first section of this act, service of process upon the presiding officer of the County Court of the county against which the party may desire to institute suit, will be sufficient service to bring the parties before the court, provided ten days' notice be given; and it shall be the duty of the said presiding officer, and his successors in office, to defend said suit on behalf of the county, and to plead, answer, or demur, according to the course of practice in the court in which said suit may be brought.

Warrant to issue.

SEC. 3. *Be it further enacted*, That in all cases where suits have been finally determined in favor of any person or persons, against any county, it shall be the duty of the presiding officer of the county against which the judgment or decree has been rendered, on the judgment creditor, in such case, filing with him a certified copy of the record in said cause, showing the amount of said recovery, to issue his warrant for the same, payable out of any county moneys not otherwise appropriated.

County Court to levy tax to pay judgment.

SEC. 4. *Be it further enacted*, That in all cases where any judgment or decree shall have been recovered against any county, by virtue of the authority of this act, and the presiding officer of the county shall have issued his warrant to the Trustee of said county, according to the provision of the third section of this act, and it shall appear from the certificate of said Trustee that there are not moneys in the county Treasury, or to come into said Treasury during the fiscal year, by virtue of the tax already, previous thereto, levied, sufficient, over, and above appropriations previously made, to pay said judgment or decree, then it shall be the duty of the County Court of said county to levy a tax at the next regular assessment of taxes, after the certificate of the Trustee aforesaid shall have been presented to them, to meet the payment of such judgment or decree; and the taxes when so levied and collected shall be immediately applied to the payment of such judgment or decree.

Mandamus may issue.

SEC. 5. *Be it further enacted*, That any County Court failing to comply with the fourth section of this act, upon the application of the party or parties in whose favor such judgment or decree is made, his, her, or their legally constituted agent, attorney, or assignee, a writ of *mandamus* may issue from either of the courts of law or equity, ordering and compelling the assessment of a tax sufficient to discharge the amount of such judgment or decree, which order shall be served on a majority of the justices of said county.

SEC. 6. *Be it further enacted*, That the presiding officer of the County Court, against whom suit shall be instituted, shall be authorized to employ counsel to defend any suit that may be instituted under this act, who shall be entitled to a reasonable fee, to be allowed by the court trying the cause, and taxed in the bill of costs; and the court shall have the same power to issue executions for costs under this act as in other cases. Counsel to be employed.

SEC. 7. *Be it further enacted*, That either party to a suit instituted under this act, as well the county as individuals, shall have his, her, or their appeal or writ of error to the Supreme Court, as in other causes. Appeal.

SEC. 8. *Be it further enacted*, That nothing in this act contained shall be so construed as to impair or abridge the rights of any person or persons, on any contract or contracts, made or entered into previous to the passage of this act. Old contracts not impaired.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after the date of its passage; and all laws inconsistent with the provisions of this act are hereby repealed.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 19, 1857.

CHAPTER 16.

AN ACT to re-establish the Tippling Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of 1856, chapter 107, passed 1st of February, entitled, "An act to repeal the Tippling Law," be and the same is hereby repealed. *Provided*, That nothing in this act shall be so construed, as to prevent the prosecution and conviction of all offences, for a violation of any law of this State, in regard to the sale of liquors, which have been committed prior to the passage of this act.

SEC. 2. *Be it enacted by the authority aforesaid*, That the act of 1845-6, entitled, "An act to tax and regulate Act of 1845-6 revived.

Tippling and Tippling-houses, and to increase the Revenue," be and the same is hereby revived and declared to be in full force and effect, in all of its provisions.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 21, 1857.

CHAPTER 17.

AN ACT on Public Printing.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter the general local and private laws shall be published in one and the same book, after the following manner, viz: The Public and general laws in the first part of said book, the private and local laws in the latter part of the same.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 6, 1858.

CHAPTER 18.

AN ACT to punish burning by slaves.

Be it enacted by the General Assembly of the State of Tennessee, That no slave shall willfully or maliciously set fire to, burn, or attempt to burn, any barn, stable, crib, out-house, gin-house, manufacturing establishment, bridge, steamboat or lighter, whereby the life or limb of any person shall be endangered or destroyed, or with intent to endanger or destroy human life or limb. The punishment of this offence shall be death by hanging, or such milder punishment, as the jury in their discretion may affix. No slave shall maliciously or willfully set fire to, burn, or attempt to burn, any such property as described in the fore-

Death penalty.

going section, or any such property as is designated in the act of 1829, chapter 23, sections 11, 12. Such offence shall be punished in such manner, not extending to life or limb, as the jury in their discretion may affix.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 7, 1858.

CHAPTER 19.

AN ACT to amend the 1st section of an act passed February 5, 1850

Be it enacted by the General Assembly of the State of Tennessee, That the remedies provided by the act of 1801, chapter 15, and 1809, chapter 69, and the acts amendatory thereto, in favor of sureties against principals, and against each other, shall extend to all cases when the suretyship is upon any acknowledgment or confession of judgment in any court.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 7, 1858.

CHAPTER 20.

AN ACT to amend an Act passed January 22, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the act passed January 22, 1852, chapter 117, be so amended that the railroad tax collectors be required to keep duplicates of all receipts issued by them, in such form as the railroad company may furnish; which duplicates shall be handed over to the president of the railroad company; and that the collectors shall make monthly settlements with the proper officer of the company, and pay over to him all moneys so collected.

SEC. 2. *Be it further enacted*, That the fifteenth section of the above recited act, be so amended that the county court be required to take up and cancel, or deliver over to the railroad company, an amount of the receipts of the collector equal to the amount of the fees allowed him for collecting the tax.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 9, 1858.

CHAPTER 21.

AN ACT to regulate the times of holding the circuit courts in Obion and other counties.

Circuit Courts, when to be hold-
en.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, the times of holding the circuit courts in the county of Lauderdale, shall be on the second Mondays in January, May, and September; in Dyer county, the first Mondays in February, June, and October; west of the lake in Obion county, on the third Monday in February, second Monday in June, and third Monday in October; at Troy, the fourth Mondays in February, June, and October; in Gibson county, the third Monday in March, fourth Monday in July, and third Monday in November; in the county of Carroll, on the first Monday in January, and fourth Mondays of April and August; for the county of Benton, on the second Mondays of January, May, and September; for the county of Humphreys, on the third Mondays of January, May, and September; for the county of Henry, on the fourth Mondays of January, May, and September; and for the county of Weakley, on the third Mondays of February, June, and October, in each and every year: *Provided*, That the next term of the circuit court for Weakley, shall commence and be holden on the second Monday of February, as heretofore; but afterwards at the times above designated.

SEC. 2. *Be it further enacted*, That all laws to the contrary are hereby repealed.

SEC. 3. *Be it further enacted*, That the Judges of the ninth and tenth judicial circuits shall hold the Courts in

their respective circuits of Gibson, Obion, Dyer, and Lauderdale, as heretofore, until the Judge of the fifteenth circuit is elected and qualified.

SEC. 4. *Be it further enacted*, That the election of the Judge and Attorney General for the said fifteenth judicial circuits shall be opened and held by the Sheriffs of the different counties in said circuit, on the last Saturday in February, 1858, instead of the first Saturday of March, as fixed in the original bill which this is to amend.

Judge and At-
torney General,
when elected.

SEC. 5. *Be it further enacted*, That the chancery court at Centreville, shall be held on the first Mondays in March and September, instead of the second Mondays in said months, as heretofore.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 25, 1858.

CHAPTER 22.

AN ACT to reduce into one, all laws upon the subject of exempting property from execution and attachment in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter there shall be exempt from execution or attachment, or seizure in the hands of all heads of families in this State, the following named property and no other, to wit: two beds, bedsteads and necessary bed clothing, and for each three children belonging to any one family, one additional bed, bedstead and bed clothing, the value of such bedstead in no case to exceed twenty-five dollars; one cow or cow and calf; and if the family consist of six or more persons, then two cows or cows and calves, one dozen knives and forks, one dozen plates, half dozen dishes, one set of tea spoons, one set of table spoons, one bread tray, two pitchers, one waiter, one coffee pot, one tea pot, one canister, one cream jug, one dozen cups and saucers, one dining table; two table cloths, one dozen chairs, one bureau, not to exceed twenty-five dollars in value, one safe or press not to exceed forty dollars in value, one wash basin, one bowl and pitcher, one wash kettle; two wash tubs, one churn, one looking glass, one chopping ax,

Property exempt
from execution
in hands of heads
of families.

one spinning wheel, one pair of cotton-cards, one pair of woolen cards, one cooking stove and utensils, not to exceed twenty-five dollars in value, or one set of cooking utensils ordinarily used in cooking, one sieve or sifter, one cradle, one bible and hymn book, all books used in school, one loom and gear, one horse, mule, or yoke of oxen, one ox cart, ring and staple, or one two or one horse wagon, (not to exceed seventy-five dollars in value) and harness, one man's saddle, one lady's saddle, two riding-bridles, twenty-five barrels of corn, ten bushels of wheat, five hundred bundles of oats, five hundred bundles of fodder, one stack of hay, not to exceed twenty dollars in value; and if the family consists of less than six persons, one thousand pounds of pork, slaughtered or on foot, or seven hundred pounds of bacon; if the family consists of more than six persons, then twelve hundred pounds of pork, slaughtered or on foot, or nine hundred pounds of bacon; all poultry on hand, and fowls to the value of twenty-five dollars.

Farmers. SEC. 2. *Be it enacted by the authority aforesaid,* That in addition to property mentioned in the first section of this act, there shall be exempt from execution or attachment or seizure, in the hands of all heads of families in this State, who are engaged in agriculture, the following named property to wit: two plows, two hoes, one grubbing hoe, one cutting-knife, one harvest cradle, one set of plow gears, one pitch fork, one rake, one iron-wedge, five head of sheep, and ten head of stock hogs.

Mechanics. SEC. 3. *Be it enacted by the authority aforesaid,* That there shall be exempt from execution or attachment or seizure, in the hands of each mechanic, who is the head of a family in this State, who is engaged in his trade or occupation, one set of mechanic's tools, not to be worth more than one hundred dollars, such as are used, or necessary for carrying on said trade or occupation.

Widow and minors. SEC. 4. *Be it enacted by the authority aforesaid,* That all the property exempt by this act, shall not go into the hands of the executor or administrator of any decedant's estate, but shall descend, and be vested in the widow and minor children of such deceased persons, and when there is no widow, then said property shall be exempted in the hands of said children without regard to solvency or insolvency of said estate.

Old laws repealed.

SEC. 5. *Be it enacted by the authority aforesaid,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

One gun for each citizen.

SEC. 6. *Be it further enacted,* That in addition to the property enumerated in former sections of this act, there shall also be exempt from execution and attachment, one

gun in the hands of every free white male citizen in this State of the age of eighteen years and upwards, and every female who is the head of a family.

SEC. 7. *Be it further enacted*, That a home made carpet, manufactured by the wife or any female member of the family, for family use, and being so applied, shall be exempt from execution. Homemade Carpet.

SEC. 8. *Be it further enacted*, That ten wagon or cart loads of wood, or its equivalent in coal, shall be exempt from execution in the hands of heads of families.

SEC. 9. *Be it further enacted*, That when the articles on hand, to which the above limitations apply, exceed the amount of limit and are sold, there shall be reserved out of the funds arising from such sale, a sufficient amount to supply said articles to said families, within the range of the above limits, and said reserved fund shall be so applied to the use of said families. If sold, a sufficient amount to be reserved from sales to furnish above articles.

SEC. 10. *Be it further enacted*, That no additional article, by this act exempted, other than those exempted by previous laws, shall be exempt from attachment or execution, upon contracts made prior to the passage of this act. Prior contracts not affected.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 26, 1858.

CHAPTER 23.

AN ACT to establish a law court at Chattanooga.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established for the State of Tennessee, a common law court to be held at Chattanooga, in Hamilton county, with general common law jurisdiction in all cases arising at law of a civil or criminal character, to the same extent that the circuit courts of this State have; but this jurisdiction shall only extend to causes arising in that part of Hamilton county at present constituting the fourth and fourteenth civil districts: *Provided*, That no citizen of Hamilton county living outside of the fourth and fourteenth civil districts

shall be liable to be sued in said court, unless upon real actions of which said court may have peculiar jurisdiction; and *provided further*, that any defendant may waive his right to have his suit returned before the circuit court of Hamilton county, by acknowledging service of the writ returnable to said law court at Chattanooga; and *provided further*, that no resident of the fourth or fourteenth civil district, shall be indicted in the circuit court at Harrison, unless the offence was committed in said county of Hamilton, without the limits of the fourth and fourteenth civil districts; and no resident of the fourth or fourteenth civil districts shall be sued in said circuit court in any civil suit, unless it be in a local action of which said circuit court may have exclusive jurisdiction by reason of the location of the property about which said local action may be brought

SEC. 2. *Be it further enacted*, That the style of said court shall be "The Law Court of Chattanooga," of which three terms shall be held each year in the city of Chattanooga, on the first Mondays in February, June, and October; and shall continue until the business for trial is disposed of, with full power to the Judge to order and hold special terms of said court, as provided by law for holding special terms of the circuit courts for this State.

SEC. 3. *Be it further enacted*, That this court shall be held by the Judge of the third judicial circuit, or any other judge in the State with whom he may interchange, as provided for by law, who in it shall perform all the duties and exercise all the powers prescribed for circuit judges of this State, and in it the practice shall be the same, in all respects, as in the circuit and criminal courts.

SEC. 4. *Be it further enacted*, That the Attorney General of the third judicial circuit, and the sheriff of Hamilton county and his deputies, and the clerk of the circuit court of Hamilton or his deputy, shall attend said court as the officers of the same; they shall perform in it all the duties by law imposed and required by them respectively in relation to the business of the circuit court of Hamilton county, and they shall be allowed the same fees, and be under the same liabilities and the same remedies as to them and their securities, as are now provided for and guaranteed in the circuit and criminal courts for neglect of duty; and the clerk of the circuit court of Hamilton county shall keep an office in the city of Chattanooga, which shall be constantly kept open for the transaction of business, either by himself or his deputy; and the said clerk shall have power, by himself or his

deputy, to issue all manner of writs or process for or from either of said courts that he now has to issue for or from the circuit court of Hamilton county.

SEC. 5. *Be it further enacted*, That no resident of the fourth or fourteenth civil districts of said county shall be compelled to appear as party defendant in any transitory action before any magistrate outside of those districts, and no resident of that portion of said county without the limits of those districts, shall be compelled to appear as party defendant in any transitory action before any magistrate within the limits of those districts; and all causes tried before any magistrate in those two districts, which may be taken up by appeal or certiorari, shall go to and be disposed of in the law court at Chattanooga, as is now done in the circuit court of Hamilton county; but nothing in this section shall be so construed as restricting any of the powers or privileges now exercised by the justices of the peace of said county, except the power of compelling residents of the fourth and fourteenth districts to appear before them for trial in transitory action outside of those districts, and except the power of compelling residents of that portion of the county without the limits of said two districts to appear before them or either of them in said districts in transitory actions as party defendant. Parties defendant may waive their right to have their actions tried in any particular portion of said county, and by consent of any party defendant residing outside of the fourth and fourteenth districts, his cause may be tried before any magistrate in said districts, and any party defendant residing in those districts may have his cause tried by consent before any magistrate outside of those districts.

SEC. 6. *Be it further enacted*, That counterparts of writs may issue from said court for joint defendants residing or living beyond the limits of said fourth and fourteenth districts, when the court has the rightful jurisdiction of the cause of action.

SEC. 7. *Be it further enacted*, That the Judge of the third judicial circuit shall select, within the fourth and fourteenth civil districts of Hamilton county, juries necessary to transact the business of said court, and their selection and qualification as grand or traverse jurors, shall be regulated in the same manner as the jurors of the circuit and criminal courts of this State, and their compensation shall be the same, and paid in the same manner as the other jurors of this State are now paid by law.

SEC. 8. *Be it further enacted*, That when, from public excitement or any other cause, the Judge of said court may

deem it necessary, he may order the summons of competent persons to serve as jurors in said court from any and all parts of Hamilton county, whose compensation shall be the same, and paid in the same manner, as jurors are paid by law.

SEC. 9. *Be it further enacted*, That any suit or suits now pending in the circuit court of Hamilton county may, by consent of parties, be transferred to the law court at Chattanooga: *Provided*, They are such as said court has jurisdiction, as has heretofore been provided for in this act.

SEC. 10. *Be it further enacted*, That the fines and forfeitures arising from, and growing out of, any business done in said court shall be disposed of as the fines and forfeitures which are collected in the circuit courts of Hamilton county.

SEC. 11. *Be it further enacted*, That the expense of erecting a court house, jail house, and all necessary public offices for said court shall be paid by the fourteenth civil district of Hamilton county, and the fourth civil district shall never be taxed to pay any portion of the expense of erecting any public building at Chattanooga; and the inhabitants of said fourth district shall never be taxed any more to pay the expenses of having said court at Chattanooga, than the inhabitants of the other civil districts of Hamilton county may be taxed.

SEC. 12. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 26, 1858.

CHAPTER 24.

AN ACT to give Mechanics' lien priority over mortgagees in certain cases.

Priority of Mechanics' lien.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, when any mechanic or undertaker, by special contract with the mortgagor of any lot of ground or tract of land in this State, or his agent, shall upon the said lot or tract of land construct, build, or repair, either in whole or in part, or furnish materials, or any part of materials, in the construction, building, or repairing, of any house, fixture or

improvement, or shall do any work upon said house, either by finishing off the same, painting, ornamenting, or otherwise: *Provided*, The said work be done, or materials be furnished, with the knowledge and consent of the mortgagee of the said lot or tract of land, such mechanic or undertaker shall have and retain the lien, and be entitled to all the rights and remedies given by the act of 1846, chapter 118, and shall be entitled to priority of payment over the lien of the mortgagee.

SEC. 2. *Be it further enacted*, That the provisions of this act shall apply to all cases of the sale of land where the bargainor executes a deed retaining the lien or executes a title bond thereby retaining the lien, in as full a manner as if a mortgage had been formally executed: *Provided*, This knowledge and consent of the mortgagee or bargainor, with lien retained shall be established and concluded by notice in writing, given to such mortgagee or bargainor, he or they not objecting within ten days after receipt of such notice in writing.

Notice to mortgagee.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 26, 1858.

CHAPTER 25.

AN ACT to enforce the resumption of specie payments by the suspended banks; and to offer for their acceptance certain amendments to their charters, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be, and is hereby made the duty of the several banks in this State, which have suspended specie payments, to resume the payment of specie on all notes issued by them, on or before the first day of November, 1858; and, from and after the first day of July, 1858, no such bank in this State shall issue, emit, pay out or circulate, any note of a less denomination than five dollars; and from and after the first day of January, 1859, no note of a less denomination than ten dollars; and from and after the passage of this Act, no bank, agent, person, or corporation, licensed or chartered to do a banking or brokerage business in this State, shall be permitted to pay out for circulation, the note of any corporation or association of individuals, which has not been chartered

Banks to resume specie payment, 1st Nov. 1858.

Notes less than \$5 not to issue after July 1, 1858.

Less than ten dollars not after 1st Jan., 1859.

Not to pay dividends during suspension.

Exchange not to be over 2 per cent during suspension.

Banks to notify Comptroller of acceptance.

Charters forfeited

by the State of Tennessee. A violation of this provision shall be a misdemeanor; and any person, as aforesaid, or corporation convicted thereof, shall be fined not less than five hundred dollars, and not more than two thousand dollars; nor shall any bank pay out the notes of any bank chartered by this State, except its own or branches, and then only as provided in the seventh section of this act; and no bank in this State shall, directly or indirectly, sell or dispose of gold or silver, or sell or dispose of the notes of any bank whatever, for any premium or discount whatever; and it is hereby expressly declared that the traffic or trade in the legal currency, or in uncurrent bank notes, is not a privilege intended to be, or granted to the banks by their charters. No bank in this State shall pay over any dividends or profits to any stockholders, or owners of stock, during the time of its suspension of specie payments, except the profits arising from the Bank of Tennessee, or the dividends to which the State is entitled from the stock owned by it in the Union and Planters' Banks, which are to be paid to the State as directed by existing laws. No bank shall, hereafter, pay interest, or any consideration whatever, for money of any kind deposited with them, whether such money be in gold or silver, bank notes or paper currency of any kind. No bank in this State, while suspended or failing to redeem its notes in gold and silver, shall be permitted by itself, its officers or agents, to sell exchange upon any place in the United States for a higher premium than two per cent.

SEC. 2. *Be it further enacted*, That any bank in this State which has suspended specie payment of its notes be, and is hereby required to file its acceptance, in writing, with the Comptroller of the State, to the several limitations and provisions contained in the first section of this act, within forty days from the time of its passage, as an amendment to, and a part and parcel of its charter. On the failure of such bank, last aforesaid, to file its acceptance of the provisions of the first section of this act, as an amendment to its charter, within the time above prescribed, the Attorney General of the judicial circuit in which said bank is located, on being notified of the non-acceptance by it of the provisions of the first section of this act, shall proceed, in the name of the State and at her suit, to institute all legal and proper steps to have such non-accepting bank's charter pronounced forfeited and annulled, for violation of its charter by suspension of specie payment, or other cause or causes, and its affairs wound up, as in such cases is prescribed by law. It shall be the duty of the Comptroller to inform the Attorney General

of any non-acceptance. Any bank accepting the provisions of the first section of this act as an amendment to its charter, and after such acceptance failing to comply with such provisions, such failure shall be, and is, declared Cause of forfeiture. cause of forfeiture of charter. All contracts made by it after the time when it shall have failed to comply with the terms of the first section of this act, are hereby declared null and void, and no suit in law or equity shall be maintained by any such bank or banks, upon any contract or demand so made. And it is hereby made the duty of the Governor, on satisfactory information being given to him that any such accepting bank or banks as aforesaid have failed to comply with the provisions of the first section of this act, to direct the Attorney General for the Governor to direct the Attorney General. judicial circuit in which such offending bank may be located, to take all legal steps, in the name and at the suit of the State, to have the charter of said bank declared forfeited and annulled by judicial sentence, for non-compliance with the provisions of the first section of this act, before accepted by it as aforesaid. If, on the trial, it shall appear that such accepting bank, after its acceptance, has failed to comply with the provisions of the first section of this act, judgment of forfeiture shall be entered against it, and thereon, said bank shall go into liquidation, by the appointment of a Receiver, to be made by the court rendering such judgment; and it shall be the duty of such court to take bond and ample security from said Receiver, conditioned to faithfully collect all the debts of such bank, to take safe and proper care of its effects and assets of any kind, to render a true account of the same. Said Receiver appointed. Receiver to apply the effects of such bank: first, to the payment of its note or bill-holders; secondly, to the payment of its depositors and other creditors, *pro rata*. If, after payment of all the liabilities of such bank, and all the costs of its liquidation, there remain any surplus, then the same shall be paid to the stockholders of the bank, or those entitled to the same.

SEC. 3. *Be it further enacted*, That any president, cashier, teller, clerk, agent, or employee of any bank, who shall knowingly violate its charter, or amendments thereto, or shall remove or secrete the effects of such bank, or in any way conceal the debts, liabilities, or assets of the bank, for the purpose of avoiding or defeating any judgment of the courts, or for the purpose of defrauding any of the creditors of the bank, the person so offending shall be deemed guilty of a high misdemeanor, and on conviction, shall be fined in a sum not less than two thousand dollars, said fine to go to the use of the common school Penalty of Bank Officers.

fund; and also shall be imprisoned at the discretion of the court, not less than one nor more than six months.

Act of Feb. 12
repealed.

Not to increase its
capital stock or
circulation.

SEC. 4. *Be it further enacted*, That an act, passed on the 12th of February, 1852, entitled, "An act to authorize and regulate the business of banking," be and the same is hereby repealed, so far as to prohibit and take away all right, after the passage of this act, for any individual, or association of individuals, to avail themselves of the provisions of said act, or any one amendatory of it, for the purpose of creating any new banking company, bank or association, not now in existence. Said act is also repealed so far as to prohibit any bank now in existence, under said acts, to increase its capital stock or circulation. All free banks may have the power to reduce their circulation to \$50,000, by depositing with the Comptroller their issues, and they are allowed to draw bonds equal to the amount they may deposit with the Comptroller; and it shall be the duty of the Comptroller to burn all such bills; *Provided*, Any bank accepting the benefit of this clause surrender its brokerage privilege; *And provided*, That no bank which has failed to deposite the second call of ten per cent. additional bonds, shall withdraw more than eighty per cent. in bonds to the amount of notes withdrawn from circulation, and deposited with the Comptroller.

Quarterly reports

SEC. 5. *Be it further enacted*, That it is hereby required of the several banks in this State to make quarterly reports to the Comptroller, verified by the oath of the president and cashier thereof, of the true condition of said bank, its assets and liabilities, stating particularly the capital stock, the amount of such capital actually paid in to said bank in gold and silver, and when paid, and how much of its capital stock paid in, not in gold and silver; and in such case, to show when, how, and in what paid, and whether such payment, to its full extent, is then, at the time of the statement, of the value of specie, and if not, how much less in their best judgment. Such statement shall also show the then liabilities of the bank, the amount of specie of its own on hand, and the then amount of its notes in circulation. It is hereby made the duty of the Comptroller to cause said statement to be published in one of the leading newspapers in the city of Nashville, and also in one paper in the county or town where such bank is located, *if any there be, and if not, in the nearest newspaper to such bank*, at the cost of the bank whose statement is so published; said statement, and all bank statements required under this section, shall be sworn to, as true at the time made, which shall be at the hour of two o'clock in the day on which made out. Banks accepting

Comptroller to
publish bank
statements.

the provisions of this act, as before in this act provided for, shall, with such acceptance, file a statement of their then condition, and continue thereafter to make quarterly statements as herein provided.

SEC. 6. *Be it further enacted*, That the Bank of Tennessee shall, by the first of January, 1859, re-apportion and divide the capital stock among her several branches, so as to make equal the amount of capital received by said branches respectively, according to the provisions of her charter. *Provided*, The amount lost of the capital stock of the parent or any branch bank, shall be discounted out of the sum they would be entitled to receive under this section, if no such loss had accrued to such parent bank, or branch bank: *Provided further*, That whenever the stock of the State in the Union and Planters' Banks is sold, or the proceeds thereof in any manner realized by the Bank of Tennessee, the same shall be divided and apportioned among the branches of said bank, according to the proportion directed to be observed by said bank in dividing her original capital.

Bank of Tennessee to re-apportion its capital stock.

Stock of Union and Planters' Banks when sold

SEC. 7. *Be it further enacted*, That no bank, or branch bank in Tennessee, shall issue, emit, or pay out, any bank note, not on its face payable, upon demand, at the counter where issued, emitted, or paid out. But no such bank, or branch bank, in this State, shall be under the legal obligation to comply with the foregoing provisions of this section, until the first day of September, 1859, from and after which time they shall strictly conform thereto: *Provided*, That nothing herein contained shall be so construed as to prevent any parent bank from signing, filling up, and registering notes intended for circulation and payable at their branches, to whom said notes may be remitted for circulation.

Counter notes.

SEC. 8. *Be it further enacted*, That nothing in this act shall repeal, or is intended to repeal, or affect the rights of the note-holders, or depositing creditors of banks, as they now are by existing laws.

Rights of depositors and note holders not affected.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 28, 1858.

CHAPTER 26.

AN ACT to appoint Commissioners to re-mark the State line between Tennessee and Kentucky, east of the Mississippi River.

WHEREAS, Doubts have arisen as to the line of boundary between this State and the State of Kentucky on the line east of the Mississippi River; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That two persons be appointed by the Governor of the State to meet such Commissioners as may be appointed by the State of Kentucky to run and re-mark the line established by the compact between the State of Tennessee and Kentucky. Beginning on the east bank of the Mississippi River, running thence to the Eastern boundary of the State of Kentucky, putting up a large stone every five miles, provided when rock or stone cannot be conveniently had, posts of some durable wood be substituted. That said Commissioners shall have full power and authority, and it is hereby made their duty, to employ a *Field Party*, to consist of one Engineer, one Surveyor, one Backsightman, and one Axman, and such others as may be necessary. The Engineer and Surveyor, to be well qualified to make said survey upon scientific principles; said Commissioners to superintend the work.

SEC. 2. *Be it further enacted*, That a copy of this act shall be transmitted by the Governor to the Legislature of Kentucky at its present session, with a request that said Legislature will take such action upon it as may be necessary to effect its object. And so soon as action thereon shall be taken by the Legislature of the State of Kentucky, and the Governor of this State and of the State of Kentucky shall have appointed Commissioners as provided in the 1st section of this act, it shall be the duty of said Commissioners to proceed as soon as practicable to the performance of the duties required of them, and to have or cause the Survey to be completed at as early a date as may be practicable.

SEC. 3. *Be it further enacted*, That said Commissioners shall by joint report communicate to the Governor of their respective States what they may do in the premises, and that the Governor of Tennessee shall communicate the same to the succeeding Legislature of this State; said Commissioners shall accompany their said report with a map of their Survey, showing the relative position of former lines to the line of Survey made by them, and such other information as may be necessary.

SEC. 4. That the Comptroller of the Treasury of this

State whenever directed by the Governor, shall issue to the Commissioners appointed by him his warrant upon the Treasurer of this State for the sum of three thousand dollars to be by them appropriated to the purchase of necessary instruments and the cost of making said Survey. Purchase of instruments.

SEC. 5. That said Commissioners shall also in their report show the time that each of them, and each of the field party was necessarily engaged in the performance of their respective duties in making said Survey, the amount paid to each for his services and also what future amount, if any, is necessary to pay the costs of the same.

SEC. 6. That said Commissioners shall cause to be prepared and filed in the office of the Secretary of State a careful and full topographical map of the Survey thus made, exhibiting the positions of the country and embodying all that geographical information that can be incidentally obtained in making such Surveys. Map to be filed in Secretary of State's office

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 29, 1858.

CHAPTER 27.

AN ACT to establish a Chancery Court in the town of Sneedville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a Chancery Court be and is hereby established in the town of Sneedville, in the county of Hancock, to be held on the first Monday after the fourth Monday in June and December, by the Chancellor of the first Chancery District in the State of Tennessee, and that it shall be the duty of the said Chancellor to appoint a clerk and master of said court, who shall give bond with good and approved security, conditioned for the faithful performance of his duties, and who shall be subject to all the liabilities, and receive all the remunerations and rewards for his services, now by law attached to such office. Chancery Court in Sneedville.

SEC. 2. *Be it further enacted,* That it shall be lawful for the Chancellor, on application of the complainant or complainants, by and with the consent of the defendant or defendants, to order all causes now pending in the Chan-

Causes moved
from Claiborne
and Hancock to
Sneedville.

cery Court of either Claiborne or Hawkins counties, that may have originated in the said county of Hancock, to be removed to the Chancery Court hereby established in the town of Sneedville.

Transcript.

SEC. 3. *Be it further enacted*, That on application to remove any cause or causes from the Chancery Court of either Claiborne or Hawkins counties, according to the provisions of this act, the Clerk and Master of said courts shall, within forty days after said application, make out a full and perfect transcript of all rules relating to the same, and transmit it to the Clerk and Master of the Court at Sneedville, for which he shall receive the usual compensation in such cases.

SEC. 4. *Be it further enacted*, That all the causes now pending in the Chancery Court at Jamestown, Montgomery and Jacksborough, where the subject matter in litigation is real estate lying within the county of Scott, or where the defendants or any one of them reside in the county of Scott, shall, by consent of the parties, be transferred to the Chancery Court at Huntsville, in Scott county, and the Clerks and Masters of the Chancery Courts at Jamestown, Montgomery, and Jacksborough, are hereby required in all such cases as specified in this act, to make out correct copies of all the orders, decrees, and rules of said Courts in such causes, and transfer the same, together with the original papers in said causes to the Chancery Court at Huntsville, there to be tried and determined.

Change of time
of holding courts.

SEC. 5. *Be it further enacted*, That from and after the next term of the Circuit Court of Van Buren county, the Circuit Courts in said county shall be held on the third Monday in April, August, and December, and that from and after the next term of the Circuit Court of Coffee county, the Circuit Courts in said county shall be holden on the first Mondays in January, May, and September; that all laws coming within the purview and meaning of this act, be and the same are hereby repealed, and that this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 29, 1858.

CHAPTER 28.

AN ACT to authorize municipal corporations to hold real estate, to amend the Corporation laws of the town of Altamont, and to amend the corporation laws of the town of Murfreesboro'.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all municipal corporations in this State shall be authorized to hold real estate beyond their corporate limits that is conveyed or devised to them for the benefit of said corporations.

SEC. 2. *Be it enacted*, That an act entitled, "An act to incorporate the town of Altamont, in the county of Grundy, and for other purposes," passed March 2, 1854, be and the same is hereby amended as follows: That hereafter the corporate limits of said town shall be as follows, to-wit: Beginning at the ford of Perry Creek where the road crosses the same, in the direction of Northcutt's Grove, running thence with the north bank up the said creek opposite the mouth of Rocky Branch; thence up said branch to the mouth of William A. Given's spring branch; thence up said branch to the Chattanooga road; thence in a direct line east to D. H. Franklin's spring branch; thence down said branch to Perry Creek; thence up said creek to where the east boundary line of a one hundred acre tract of land, on which said town is located, crossing said creek; thence north with the line of said tract of land to its north-east corner; thence a direct line to the south-east corner of a lot of land deeded by Stephen M. Griswold for academic and burial purposes; thence around with the line of said lot to its south-west corner; thence a direct line to the beginning.

SEC. 3. *Be it enacted*, That the second, third, fourth, fifth, sixth, seventh, eighth, eleventh, twelfth, thirteenth, and fourteenth sections of an act entitled, An Act for the incorporation of the citizens of any town, city, or village in the State of Tennessee who may desire it, passed January 7th, 1850, be and the same are hereby embraced so far as the same is applicable thereto, as a part of the charter of said town of Altamont; *provided* the notice to be given by the Sheriff of the time and place of holding the election, specified in the fourth section of said act, shall be ten days instead of two. And *provided* further, that if from any cause, the aldermen elected as aforesaid shall not meet, qualify, and organize themselves as a Board of Mayor and Aldermen as is provided in the fifth section of

Altamont.

Corporate limits.

Ten days' notice to Sheriff.

said act, they shall at as early a time thereafter as practicable, meet and organize themselves as provided in said sections. And *provided* further, that the Board of Mayor and Aldermen aforesaid may have the privilege of blending the offices of Recorder and Treasurer, and devolving the duties of the two offices on one individual.

SEC. 4. *Be it further enacted*, That the ninth, eleventh, thirteenth, seventeenth and eighteenth sections of an act entitled, "An act to amend an act to incorporate the town of Pulaski, in the county of Giles," passed February 2, 1850, are hereby embraced so far as the same may be applicable thereto as part of the act which this is intended to amend.

Town Constables
to be Tax Collect-
ors.

SEC. 5. *Be it further enacted*, That the list of taxes levied by the corporation aforesaid shall be in the hands of the town constables, the same as a *feri facias*, and will be sufficient authority to authorize him to distrain and sell the personal property of delinquent tax payers in said corporation for their said taxes due thereon.

SEC. 6. *Be it further enacted*, That the second, third, fourth, and fifth sections of the act which this act is intended to amend, and all other laws coming within the proviso, and meaning of this act, or the act this is intended to amend, be and the same are hereby repealed.

Election of Con-
stable in Mur-
freesboro'.

SEC. 7. *Be it further enacted*, That should the constable elected for the town of Murfreesboro', under the laws heretofore passed providing for the election of said officer, fail, or refuse to be qualified as now provided for, or after such qualification shall die, remove, or resign, or shall die before being qualified, or from any other cause there shall be a vacancy in said office, in any and in all such cases it shall be the duty of the Mayor of said town to issue an order to the Sheriff or Coroner of Rutherford county, directing him to open and hold an election at the Court House in said town by the qualified voters thereof, to fill the vacancy thus occasioned; and it shall be the duty of said Sheriff or Coroner, upon receiving notice of the order aforesaid, to open and hold such election upon giving ten days' notice at the court House door of said town, of the time and place of holding the same; the constable elected under the provisions of this act shall be qualified, and enter upon the duties of his office as soon thereafter as practicable.

SEC. 8. *Be it further enacted*, If any one or more of the aldermen who shall be elected under existing laws for said town, fail, or from any cause refuse to be qualified as such, as now contemplated, the remaining members of the

board of Mayor and Aldermen shall have the same power to fill the vacancy or vacancies so occurring, as they now have, in cases of death, removal or resignation; and this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 29, 1858.

CHAPTER 29.

AN ACT to authorize Constables to serve Subpoenas in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter constables appointed by the circuit and criminal courts of the different counties to wait upon the grand juries, shall, during the term of their appointment, have power and authority to execute and return all *subpœnas* or attachments for witnesses that may be sent for by the grand jury during the term of the court: *Provided,* Such process shall be directed, as heretofore, to the sheriff or other lawful officers.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 2, 1858.

CHAPTER 30.

AN ACT to produce uniformity in the reports of Railroad Companies, and define the duties of Road Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Road Commissioner of this State to prepare, and have published, the form of a railroad report, and to supply the officers of the roads in or passing through Tennessee with the same, so soon as it can be conveniently done. Said form, or order, to be so prepared, shall embrace the follow-

Road Commissioner to give form of report.

Reports to ex-
lraee.

ing different heads, to wit: 1st. The stock and debts of the company, and the different classes of the same. 2d. The cost of construction and equipments. 3d. The estimated value of the property of the company at the time of the report made by said company. 4th. The characteristics of the road. 5th. The character and length of the bridging, dam bridges and tunnels. 6th. The character and number of the switches. 7th. The dimensions of the earth and rock worked on the road. 8th. The number and character of culverts and viaducts. 9th. The quality and extent of ballasting. 10th. The number of crossties. 11th. The chairs or joint connections. 12th. The iron rails. 13th. The gradients, alignments, and elevations of the road. 14th. The buildings, shops and fixtures. 15th. The number of locomotive engines and cars owned by the company at the time of the report. 16th. The business of the year—under which general head shall be required, 1st. A monthly abstract of the passengers carried on the road. 2d. The tonnage of the road during each month of the year, with the amount of the different varieties of tonnage so transported. 3d. A statement of the total monthly tonnage carried over the road. 17th. A statement showing the transportation expenses for the year. 18th. A statement of the earnings, receipts and payments, together with a detail of earnings for each month of the year, and their sources. 19th. A statement of the value of materials on hand, with the respective qualities of materials; also, the number of persons employed by the company at the time of the report, and the average number employed during the year. 20th. The accidents on the road, and the number of persons injured in life or limb, and the causes of the injury, and whether to passengers or other persons. 21st. A statement of the tonnage sent from, and that received at, each depot of the road, for each month of the year, and also of the passengers leaving and those arriving at each of said depots, together with the names of the officers of the company, and the principal office and address of said company. It shall be the duty of said Commissioner, in preparing said form of report, to put down all such items to be reported upon, under each of said heads, and shall furnish a perfect and detailed account of the condition and operations, and progress of each of said roads. He shall also furnish such notes and directions as may be deemed necessary to accompany said form, and if there be any other subject or matter necessary to be reported upon by said companies, or any one of them, it shall be the duty of said Commissioner to call for such additional report or reports.

SEC. 2. *Be it further enacted*, It shall be and is hereby made the further duty of said Commissioner to prepare and publish a sufficient number of forms of reports for the use of the companies of such roads as are in progress, and no part of which are in operation; such form and details, to be extracted from the above directed to be prepared, together with all the tables and items embraced in the same, and applicable to roads in course of construction, but having no part in operation; it shall be his further duty to prepare such additional information as may be demanded by the circumstances of each.

SEC. 3. *Be it further enacted*, That the President, Treasurer and General Superintendent or Chief Engineer of each of said roads, be required and is hereby made their duty respectively to copy and report upon each and every item of detail laid down in said form, and in all respects to conform to the requirements, and specifications of said form. Said officers shall also subscribe said reports when so made out, and be qualified to the same, before some person authorized to administer oaths.

Officers of road
to follow form.

Affidavit to same.

SEC. 4. *Be it further enacted*, That said reports shall be made out and forwarded to the Commissioner aforesaid, on or before the 1st day of September of each year, the first annual report to be made on the 1st September, 1858; and said report so required to be made, shall contain a full statement according to the requirements of this act, of the business and operations of the preceding twelve months up to the 30th of July, inclusive, as the same shall be laid down in said form of report, and said annual report shall always be brought up to the last named period.

First Annual
Report September,
1858.

SEC. 5. *Be it further enacted*, That when any portions of said Roads are in operation or construction, out of the State, it shall be the duty of the officers of the same to report in the same manner, herein before prescribed, making a separate report of such portion or portions as may lie out of the State, unless authorized by the Commissioner to condense the same, with the operations and construction of such part of the same road as may lie in the State.

When part of
road is out of
the State.

SEC. 6. *Be it further enacted*, That if any of the officers of said companies, fail or refuse to report as required by this act, he or they, so failing or refusing, shall forfeit and pay to the State of Tennessee, not less than two hundred and fifty, nor more than five hundred dollars; and it shall be the duty of said Commissioner of roads, to sue for, and recover the same, in the name of the State of Tennessee, from such delinquent officer or officers in any court having jurisdiction of the same.

Penalty.

SEC. 7. *Be it further enacted*, That if any of said offi-

cers required to report, as aforesaid, shall reside beyond the limits of the State, shall, in like manner fail or refuse to report, it shall be the duty of said Commissioner to have process served upon any director, resident engineer, or deputy agent belonging to or in the service of the company to which such delinquent officer or officers may belong, and the penalty prescribed in the sixth section of this act, shall be recoverable against such company, and execution may be had against them for the amount that may be recovered.

Commissioner to
report to General
Assembly.

SEC. 8. *Be it further enacted*, That said Road Commissioner shall combine the reports so required to be made as aforesaid; and, also prepare a condensed report of the business and operations of the railroad reported upon, accompanied with necessary maps, and submit the same to the General Assembly of the State of Tennessee, on the first day of each regular meeting thereof.

Charters of Rail-
roads.

SEC. 9. *Be it further enacted*, That the Road Commissioner be required to collect the charters of the various railroad companies, which have entitled themselves to State aid, and also all laws of a general character, pertaining to the railroad system of Tennessee, and that he have copies of the same published during the year 1858; and he shall cause one copy to be furnished to each of the directors, and officers of the different companies, and the balance to be distributed among the different counties of the State, along with the published acts of the Legislature; and in the preparation of said work the Commissioner be authorized to omit such portions of the different charters as he may deem necessary.

Agents give re-
ceipts.

SEC. 10. *Be it further enacted*, That the officers and agents of each and every railroad company in this State, shall, upon the reception of any freight, at any depot or depots, give to the owner of said freight a receipt for the same at the time of the receptions of such freight.

SEC. 11. *Be it further enacted*, That the act of the Legislature defining the duties of the Road Commissioner, passed February, 1856, be and the same is hereby repealed.

Tubular T Rail.

SEC. 12. *Be it further enacted*, That the several railroad companies in this State, entitled to State aid under the act passed February, 1852, and act amendatory thereto, may use in laying the track of said roads, the Tubular T rail of not less than fifty pounds to the yard, instead of the solid T rail now required by law, and be entitled to the State aid, in the same way and to the same extent as if the solid T rail heretofore prescribed had been used; provided, however, that said rail shall not be so used till the

Commissioner of roads shall have satisfactory proof that the same is fully equal in point of durability to the U rail now adopted by law, and he shall so report to the Governor, and said report be accepted and sanctioned by the Governor.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate

Passed February 3, 1858.

CHAPTER 31.

AN ACT to change the time of holding the circuit courts in the county of Hardin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts of the county of Hardin shall hereafter be held on the fourth Mondays in March, July, and November, in each and every year.

SEC. 2. *Be it further enacted*, That an act passed this session of the Legislature, changing the time of holding the Chancery Court at Centerville, be and the same is hereby repealed; and that the time of holding said Court shall hereafter be on the second Mondays in March and September.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 3, 1858.

CHAPTER 32.

AN ACT to abolish military duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws now in force requiring the militia of this State, (officers and privates,) to

Militia muster-
ing repealed.

assemble at certain times for the purpose of being drilled and instructed in military tactics, be and the same are hereby repealed.

Condition of mil-
itia.

SEC. 2. *Be it further enacted*, That it shall be the duty of the officers appointed by law to take a list of the taxable property and polls in the various civil districts of the several counties in this State, to make out a report of the strength and condition of the militia in each civil district, in the same manner that the captains of the companies are now required by law to do, and they shall return the same to the county court clerk against the 10th day of June in each year.

Clerks to report
to Adjutant Gen-
eral.

SEC. 3. *Be it further enacted*, That it shall be the duty of the county court clerks to make out, from the reports furnished them, a statement of the strength and condition of the militia in the entire county, a copy of which shall be transmitted to the Adjutant General of the State against the first day of May in each year, for which services the said clerk and officer shall be allowed such compensation, out of the county treasury, as the county court may think reasonable.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

Muster fines.

SEC. 5. *Provided*, All fines in the hands of judges advocate and collecting officers, as muster fines, shall be applied to the payment of claims that have been allowed; any balance remaining, shall be paid by the judge advocate to the county trustee, and shall be added to the common school fund, and disposed of as other common school funds.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 15, 1857.

CHAPTER 33.

AN ACT to amend the revenue laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a specific tax shall be paid upon the privilege of granting policies of insurance on lives by other than companies chartered by the State, of

Life Insurance
Companies to pay
tax.

one per cent. upon the amount of premiums received for insurance of lives.

Sec. 2. *Be it further enacted*, That the provisions and benefit of this act shall only apply to such companies as are confined by their charters exclusively to life insurance.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act are hereby repealed.

SEC. 4. *Be it further enacted*, That so much of an act passed at this session of the Legislature as requires the Comptroller of the Treasury to attend at Knoxville on the first of March each year, to make annual settlements with the tax collectors and sheriffs of East Tennessee, be and hereby is suspended for the present year; and that the Comptroller of the Treasury shall attend at Knoxville on the first day of July, 1858, to settle for the year 1857.

SEC. 5. *Be it further enacted*, That so much of the act of 1853-4, as requires the sheriff of Knox county to pay over the railroad tax of said county when he pays over the other taxes of said county, be and is hereby repealed; and that hereafter, the said sheriffs shall not be required to pay the same before the first of June, unless otherwise directed by the county court of Knox county.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after the first day of January, 1858.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 15, 1858.

CHAPTER 34.

AN ACT for the benefit of Constables.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter all constables in this State be allowed to demand and receive a fee of fifty cents for each levy by them made by virtue of any attachment or *feri facias* in their hands for execution; *Provided*, That nothing herein contained shall be so construed as to allow any constable to receive more than one levy fee upon any one attachment or *fi. fa.* so placed in his hand.

SEC. 2. *Be it further enacted*, That constables attending on grand juries and waiting upon courts in this State, be allowed one dollar and fifty cents per day for their services.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 15, 1858.

CHAPTER 35.

AN ACT to secure the collection of taxes in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for any tax collector in this State to deputise any constable within his county to collect tax demands, when in his judgment the public interest demands it: *Provided*, That nothing in this act shall be so construed as to release any revenue collector, or his securities, from any liability in the event of any defalcation on the part of any constable or constables.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 16, 1858.

CHAPTER 36.

AN ACT to change the line between the counties of Campbell and Scott, Fentress and Cumberland, DeKalb and Putnam.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Campbell and Scott be changed as follows: That the line run by Stanfield from Ewell Smith's to William Massengill's, be and the same is hereby established as the dividing line between said counties of Campbell and Scott,

Change of county
line.

so as to include all the citizens west of said line in Scott county; and that said citizens so included shall be entitled to, and enjoy all the rights and privileges of other citizens of Scott county; and that this act take effect from and after its passage.

SEC. 8. *Be it further enacted*, That the line between the counties of Fentress and Cumberland be so changed as to run as follows, to wit: Beginning at the ford of Rice's creek, where Officer's turnpike road crosses the same on the line between Morgan and Cumberland, thence down Rice's creek to the mouth, thence up Clear creek to where the road crosses leading from French's old stand to Crossville, thence with said road to French's old stand on Officer's turnpike road; and that the land and citizens included in said attachment be, and the same are hereby attached to the county of Fentress; and that the citizens thereof shall have all the rights and privileges of other citizens of said county of Fentress. Change of county line.

SEC. 3. *Be it further enacted*, That the county line between the counties of DeKalb and Putnam be so changed as to include the farm of Claiborne Vaughn in DeKalb county.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate

Passed February 17, 1858.

CHAPTER 37.

AN ACT to repeal the proviso to the second section of an act passed 28th of February, 1852, chapter 253.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proviso to the second section of an act passed February 28, 1852, chapter 353, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act have force and effect from and after the date of its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed February 17, 1858.

CHAPTER 38.

AN ACT to create and regulate the office of County Judge in the counties of Davidson, Shelby, Knox, Montgomery, and Williamson.

COUNTY JUDGE SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by the qualified voters of Davidson, Shelby, Knox, Montgomery, and Williamson counties, a person learned in the law, to be styled the County Judge, who shall hold his office for the term of eight years from the date of his commission.

When elected. SEC. 2. *Be it enacted,* That the first election for county judge shall be held at the same places, and by the same officers, that other county elections are held, on the first Saturday of March, 1858, and under the same rules and regulations that are prescribed for other county elections; all subsequent elections, (except for vacancies, which shall be held whenever they occur upon giving twenty days' notice,) shall be held on the first Saturday in March, every eight years thereafter.

Commissioned. SEC. 3. *Be it enacted,* That the county judge shall be commissioned in the same manner as other judges of the State, and before entering upon the duties of the office, he shall take an oath to support the Constitution of the United States, and the constitution of Tennessee, and an oath faithfully to discharge the duties of said office.

Quorum court abolished. SEC. 4. *Be it enacted,* That the quorum court of said counties is hereby abolished, and the judge shall have and exercise all the jurisdiction and powers now belonging to said quorum court. He shall preside over the county court at its quarterly sessions, which shall be held as heretofore, and shall have and exercise the same powers, jurisdiction, and authority which now belong to or is exercised by the chairman of the county court, and shall perform the same duties as are required by said chairman, either in or out of said county court, whether in session or not.

Overs to sit. SEC. 5. *Be it enacted,* That the county court to be held by the county judge, shall hold its regular sessions on the first Monday of each month, provided that on the Mondays of the quarterly sessions of the county court all the business requiring the presence of all or any of the justices of the county shall be first disposed of; after which the county judge shall dispose of such other business before the court as by the provisions of this act is directed to be attended to by him; and said court shall sit from day to day so long as the business thereof may require, and shall have

power to keep order by imposing such fines as will effect that purpose.

SEC. 6. *Be it enacted*, That all the jurisdiction and power of the present county court over administrators, executors, guardians, wards, trustees, wills, dower, and petition, sale or division of lands and negroes, and of all testamentary and administrative matters or subjects connected therewith, and questions of lunacy, are abolished, Powers. and the same are hereby transferred and given to the county court, to be held by the county judge, who shall have all jurisdiction, power, and authority now exercised or possessed by the county court over all these questions, and all other jurisdiction, power, and authority over all these subjects which may be necessary and proper in the exercise thereof: *Provided*, that either party may have the right of appeal from any judgment, order, decree or action, of said county judge, as is allowed now by the laws of this State in other cases.

SEC. 7. *Be it enacted*, That the county clerk shall be Clerk. and continue the clerk of the county court to be held by the county judge, and shall have all the powers, jurisdiction, and authority now possessed by him.

SEC. 8. *Be it enacted*, That the county judge shall be the accounting officer and general agent of the county, and as such shall have power, and it shall be his duty: 1st, to have the care and custody of all the county property, except such as is by law placed in the custody of other officers; 2d, to control all books, papers, and instruments pertaining to his office; 3d, to audit all claims for money against the county; 4th, to draw, and seal with the seal of the county court, all warrants upon the county County judge's duties. treasury; 5th, to audit and settle the accounts of the county trustee and those of any other collector or receiver of county revenue, taxes, or income payable in the county treasury, and those of any other person entrusted to receive or expend any money of the county, and to require said officers or persons to render and settle their accounts as directed by law, or the authority under which they may act; 6th, to enter in a book, to be known as the warrant book, in the order of issuance, the number, date, amount, and name of the drawee, of each warrant drawn upon the treasury; 7th, to keep in a suitable book, an account of the receipts and expenditures of the county in such a manner as to show clearly the assets of the county, and the debts payable to and by it, balancing said account annually, and generally to superintend the financial concerns of the county; 8th, no money shall be drawn out of the county treasury except upon a warrant issued by the

county judge; 9th, the duties directed to be performed by the clerk of the county court, in the administration of insolvent estates, shall be as heretofore, except that which is judicial in its character.

Judge's compensation.

SEC. 9. *Be it enacted*, That the county judge shall receive five dollars per day during the sitting of the monthly and quarterly courts, and the several quarterly courts are hereby authorized to make additional compensation to the judge, by appropriations for that purpose, to such amount as said quarterly court may deem right, and said judge shall be paid his compensation quarterly out of the county treasury upon the judge's own warrant.

SEC. 10. *Be it enacted*, That the justices shall be paid for their necessary attendance at the quarterly courts, two dollars and fifty cents per term.

Duties of clerks.

SEC. 11. *Be it enacted*, That hereafter it shall be the duty of the clerk of said county courts to keep a docket of all the cases to be tried in said courts, as are now kept by the clerks of the circuit courts.

SEC. 12. *Be it enacted*, That it shall be the duty of said clerks to enter upon said docket all suits, motions, and actions, that may come before said court for trial, and that no suit, motion, or action, before said court shall be tried except it appears on said docket; and all suits, motions, and actions, shall be tried in order as they appear on said docket.

SEC. 13. *Be it enacted*, That the county judge shall have power at any time, whether in term or vacation, to appoint an agent or attorney to take care of the public property, and that he may allow and pay a reasonable compensation for their services; and that when he audits claims he shall issue his warrant upon the trustee for the same in the manner laid down in the 8th section of this act.

May practice in other courts.

SEC. 14. *Be it further enacted*, That said county judge shall not be precluded from practicing in the supreme, chancery, circuit, and criminal courts in this State, but shall not be permitted to act as counsel in any case going up from his own court.

Governor to appoint.

SEC. 15. *Be it further enacted*, That whenever it shall so happen, from sickness or other cause, that the county judge is unable to attend his court, then the Governor shall appoint some suitable person to hold the court until the disability is removed.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 18, 1858.

CHAPTER 39.

AN ACT to amend the several laws now in force in this State, authorizing judgments by motion against collecting officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where motions are or may be pending, in any of the courts of this State, against any sheriff, coroner, or constable, and his securities, and said sheriff, coroner or constable, or either of his said securities, shall die during the pendency of said motion, said motion may be revived against the administrators or executors of said sheriff, coroner, constable, or either of their said securities, in the same manner that suits are now revived against administrators and executors in other cases.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 40.

AN ACT for the relief of Spencer Henry, Tax Collector for Blount county, and for the benefit of Jailors in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Spencer Henry, Tax Collector for Blount county, be allowed the further time of one year each, for the years 1855 and 1856, for collecting the railroad taxes for Blount county. *Provided*, That this act shall not operate so as to release the said Spencer Henry and his securities or either of them, from any liabilities which they are now under by law to pay over said taxes when collected.

SEC. 2. *Be it further enacted*, That where prisoners are removed from the jail of one county to the jail of another county for safe keeping, the jailor in such county may prove the costs to which he may be entitled in the circuit court in the county where the jail may be located,

the Attorney General certifying the same, the clerk of the court shall forward the same, by mail or otherwise, to the county where the cause is tried, and the same shall be taxed in the bill of costs, as other costs are taxed.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 22, 1858.

CHAPTER 41.

AN ACT in relation to the assessment and taxes on hired slaves.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where slaves were assessed in the possession of hirers in the year 1856, and which assessment was made for the year 1857, the hirers of such slaves, shall not be required to pay taxes on them for the year 1857, provided said slaves were returned to their owners, and were not in the possession of said hirers of the year 1857. And the same exemption shall extend to the hirers of slaves for the year 1857, which has been provided above for hirers during the year 1856. It being the true intent and meaning of this section, that hirers shall only be required to pay taxes on slaves for the year, or years in which they may have had such hired slaves in their possession. *Provided further*, That nothing in in this act shall be construed so as to release both the owners and hirers from paying the taxes on said slaves; but when it shall appear that either of them have paid said taxes for any year, and the other is charged with taxes for the value of said slave for the same year, he shall be released therefrom.

Hirers to pay
tax only while
hired slaves are
in their possession.

SEC. 2. *Be it further enacted*, That A. M. Craven, Tax Collector for the county of Hardin, be allowed until the 1st day of October next, to collect and pay over one-half the State tax for the year 1857, for said county of Hardin. *Provided*, That nothing in this act shall be so construed, as to release the securities of said Collector; and *Provided further*, That before said Collector shall avail himself of the benefit of this act his securities shall file

with the County Clerk of said county, their assent in writing under seal to said extension of time, which instrument shall be acknowledged in open court.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 42.

AN ACT for the distribution of the Public Acts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the time allowed to the Secretary of State under the act of 1809, to furnish copies of the Public Acts passed at each General Assembly, to the Public Printer, shall be limited to five days after the passage of this act. Secretary of State to give copy in five days.

SEC. 2. *Be it further enacted*, That the Public Printer shall not be allowed more than five days, after the same are furnished, to publish the same in his newspaper; and the papers employed under the act of 1829, shall copy the same at Nashville within five days, and at Knoxville and Jackson, within ten days, after the same shall be published by the Public Printer.

SEC. 3. *Be it further enacted*, That the Public Printer shall, within twenty days after the end of each session of the General Assembly, and as much sooner as may be practicable, furnish to the Secretary of State, three hundred and fifty copies of the Public Acts, stitched, trimmed, and in paper covers. Public limited days. Printer to 20.

SEC. 4. *Be it further enacted*, That the Secretary of State shall, within twenty days after the end of each General Assembly, and as much sooner as may be practicable, direct one copy of the Public Acts to each judge in this State; one copy to each clerk of the circuit, county, and criminal courts; and one copy to each member of the General Assembly; pay the postage on the same, and place the same in the Post Office, to be forwarded by mail. Secretary of State.

SEC. 5. *Be it further enacted*, That the Comptroller, on the Secretary of State depositing with him the receipts of the Post Master for said copies of the Public

Comptroller to
issue warrant.

Fine.

Acts, shall issue his warrant for the postage, provided they have been forwarded in the time prescribed; and a failure of the Secretary of State to file his receipts within twenty days, or if when filed it shall not be in compliance with the law, he shall, under the penalty of five hundred dollars, to be recovered by any person who will sue therefor or proceed against the Public Printer, or Secretary of State, as the facts may require, by indictment for failure to perform the duties imposed by this act; and also for a penalty, and a forfeiture of the Public Printer to procure the proper receipt of the Secretary of State, or on proof that the same were not delivered in due time, shall be entitled to recover for the use of the State the sum of five hundred dollars; and if the Public Printer has furnished the copies of the Public Acts required, in proper time, the Comptroller shall be entitled on production of his receipts, to recover of the Secretary of State five hundred dollars for the use of the State, unless he shall show that the said copies were mailed in proper time and with the proper directions.

SEC. 6. *Be it enacted*, That the present Public Printers be instructed to comply with the provisions of this act, if practicable, by printing in the time prescribed the Public Acts of this session, not including the Code, and the Secretary of State be directed to distribute the same under the provisions of this act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 1st, 1858.

CHAPTER 43.

AN ACT to fix and mark the boundary lines between Tennessee and Virginia.

WHEREAS, The line run between the State of Tennessee and the State of Virginia, in the year eighteen hundred and two, by joint commissioners of those States, a due west course, beginning on the summit of the mountain generally known by the name of the White Top Mountain, where the north-eastern corner of Tennessee terminates, to the top of the Cumberland Mountain, where the south-western corner of Virginia ends, has by the lapse of time, the improvements of the country, natural waste

and destruction, become uncertain and to some extent unknown, so that many inconveniences and difficulties occur between the citizens of the respective States, and in the administration of the governments of those States, for remedy therefor :

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Executive be authorized to appoint two commissioners, whose duty it shall be to meet commissioners, who have been or may be appointed by the State of Virginia, to again run and mark said line; and where there is no growing timber on any part of the line by which it may be plainly marked, if the aid marks are obliterated, that the said commissioners shall cause monuments of stone to be permanently planted on the line, at least one in every five miles or less, where it may seem proper by said commissioners to do so, that the line may be readily identified for its entire length.

Appointment of
two commission-
ers.

SEC. 2. *Be it further enacted*, That the Governor shall be and is hereby authorized to pay one half of all the expenses, which may be incurred in running and marking out said line, as aforesaid; and also, the sum of two dollars per day, for each commissioner appointed by the Executive of this State, for each day he may be engaged in performing the service, and ten cents per mile for each mile he may travel to and from his residence in going to and returning from the line aforesaid, to be paid upon the order of the Governor, out of any money in the Treasury, not otherwise appropriated.

To pay one-h if
of expenses.

SEC. 3. *Be it further enacted*, That the commissioners of the two States aforesaid shall prepare duplicate reports of their proceedings, one of which they shall return in due time to the Governor of Tennessee, and the other to such department of the Government of the State of Virginia as the commissioners of said State shall require.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 5. *Be it further enacted*, That said commissioners in connection with such commissioners as may be or have been appointed by the Legislature of Virginia, have full power and authority, and it is hereby made their duty, to employ a *Field Party*, to consist of one engineer, one surveyor, one backsightman, and one axman, and such others as may be necessary. The engineer and surveyor, to be well qualified to make said survey upon scientific principles; said commissioners to superintend the work, and to employ said field party at such rates as they may agree upon; and when said service is rendered, said commissioners upon the part of Tennessee, shall notify the

Field party.

Executive of the State, that said service has been rendered, and he is hereby authorized to pay such persons as may be employed by the commissioners of this State, or such proportionable part as may be agreed upon by said commissioners.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 44.

AN ACT to amend an act passed February 28, 1856, entitled, "An act to guard against accidents on Railroads."

No colored en-
 gineers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of April, 1858, each and every railroad company in this State, shall employ white men, and none other than white men, as engineers on their respective roads.

Killing stock.

SEC. 2. *Be it further enacted*, That in all such cases where any railroad company shall be sued for the killing or injuring of any stock, the burden of proof that the accident was unavoidable, shall be on the company, as required by the 10th section of said act of February 28, 1856, chapter 94, before said company shall be excused for the killing or injuring stock; and the engineer, agent, or employee of said company shall in no case be a witness for the company.

Look ahead.

SEC. 3. *Be it further enacted*, That the 8th section of said act be so amended and construed as to require all railroad companies to keep the engineer, fireman, or some one else, always on the look out ahead, when the train is in motion.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 2, 1858.

CHAPTER 45.

AN ACT providing for the voluntary enslavement of free persons of color in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful ^{May choose a} ~~master.~~ for any free person of color, resident within this State, of the age of eighteen years, to choose his or her master, and convey him or herself into slavery, upon the terms and conditions hereinafter mentioned.

SEC. 2. *Be it enacted by the authority aforesaid*, That when any free person of color as aforesaid, desires to go into slavery, such person shall file a petition in the circuit or chancery court of the county in which such free person of color resides, setting forth his or her desires to choose an owner, and go into slavery, and setting forth the name of such person, as he or she desires to become his or her owner, which petition shall be signed by such free person of color, or in the presence of at least two subscribing witnesses. ^{Petition in circuit or chancery court.}

SEC. 3. *Be it enacted by the authority aforesaid*, That the clerk of the court in which such petition shall have been filed, shall, upon the filing of said petition, order a notice, that such petition has been filed to be forthwith printed in some newspaper published in the town where said court is held, or if no newspaper is published in said town, then to be posted at the front door of the court house for at least one month, and shall issue a summons to appear at the succeeding term of the court, both the petitioner and the person designated in said petition. ^{Notice.}

SEC. 4. *Be it enacted by the authority aforesaid*, That upon the appearance of both the petitioner and the person designated in the petition, the court shall proceed to examine such party separately, as well as such other persons as said court may see fit, and if upon such examination the court shall be satisfied there is no fraud practiced upon the petitioner, and that there is no good reason to the contrary, the said court shall have power to grant the prayer of the petitioner, and if it determine so to do, that the court shall appoint three disinterested commissioners who shall examine and report to the court what in their opinion would be the cash value of such free person of color; which report shall be entered upon the record, and the person to whom said free person of color desires to sell him or herself, into slavery, shall pay into the clerk's office one tenth of said assessed value, which shall be paid over by said clerk to the trustee of said county for the use of common schools within the same, and the clerks of the dif- ^{three commis- sioners.}

ferent courts having jurisdiction of cases arising under this act, shall hereafter give bond for the faithful application of the funds hereby ordered to be paid into their hands, and they shall require the individual chosen as master to enter into bond with approved security, in such penalty as the court may prescribe, conditioned, that said free person of color shall not become changeable to any county in this State. Such execution of bond, with the names of the petitioner and master, shall be entered of record, and the property in said negro or free person of color, as a slave, shall from the time of such entry vest in the person so chosen as master, and his rights and liabilities, and the condition of the petitioner shall in all respects be the same as though such negro had been born a slave.

Bond. SEC. 5. *Be it enacted by the authority aforesaid,* That said negro or free person of color conveying him or herself into slavery by the provisions of this act, shall be exempt from execution or attachment in the hands of the person whom they may have chosen as master or mistress.

SEC. 6. *Be it enacted by the authority aforesaid,* That the children of any free person of color conveying himself under the provisions of this act, who may have been born prior to the filing of said petition and decree of the court thereon, shall not be deemed to be reduced to slavery by such proceedings.

Clerks' fees. SEC. 7. *Be it enacted by the authority aforesaid,* That the costs of the proceedings shall be paid by the master. The clerks shall be allowed ten dollars for the services required of them by the provisions of this act.

Duty of Constables. SEC. 8. *Be it enacted by the authority aforesaid,* That it shall hereafter be the duty of the constables in every civil district in the different counties of this State, to see that the present laws in regard to free negroes are duly executed; and if any Constable shall fail to perform the duties required of him by this act, he shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt before any court having jurisdiction, one half to the county, and the other half to the informer.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 3, 1858.

CHAPTER 46.

AN ACT to amend and construe the redemption laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the redemption laws of this State be so amended and construed as not to extend to any sale, under and by virtue of a power contained in any deed of trust, mortgage, or other instruments, whereby the terms of the same, the right of redemption is waived or surrendered by such mortgage or conveyor.

SEC. 2. *Be it enacted by the authority aforesaid*, That the preceding section of this act shall only apply to contracts which may be hereafter made.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 4, 1858.

CHAPTER 47.

AN ACT to change the line between the counties of Grundy and Sequatchie, Jefferson and Grainger, Van Buren and White, DeKalb and Smith, Polk and Bradley, Wilson and Cannon, Rutherford and Coffee, Haywood and Madison, and the counties of Anderson and Roane.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Jefferson and Grainger be so changed as to include the farms of William Taylor and Jesse Hunt in the county of Jefferson. Jefferson and Grainger.

SEC. 2. *Be it enacted*, That the line between the counties of Grundy and Sequatchie be changed as follows, to wit: Beginning at a stake in the line between said counties at a point south of the Brener place, at the head of the east prong of Collins river, running thence a direct line to said Brener place, including the same in said county of Sequatchie; thence down with the said east prong of said river to James W. Tate's place, including the same in said county of Sequatchie; thence with the base of the ridge west of said river northwardly around to the widow Wright's residence; thence a direct line to the little Jake Cagle old place, now occupied by James Cagle, including the same in Sequatchie county; thence a direct line to Bassel Bess place on the Hill's trace old Grundy and Sequatchie.

road, including the same in Sequatchie county; thence with said road in the direction of Hill's creek to where the Grundy and Warren county lines cross the same; thence with the Grundy line eastwardly to the Grundy and Sequatchie county corner.

Van Buren and White. SEC. 3. *Be it enacted*, That the line between the counties of Van Buren and White be changed so as to include the residence of William S. Mitchell in the county of White.

Putnam. SEC. 4. *Be it enacted*, That section the twenty-first of an act passed the 11th day of February, 1854, entitled, "An act to establish the county of Putnam," be and the same is hereby so amended that the lines between the counties of DeKalb and Smith shall hereafter run as follows, to wit: Beginning on the DeKalb county line on the extreme height of the ridge above J. Robison's, running thence with the meanders of said ridge to the Cany Fork river at Thompson's Bluff, intersecting the DeKalb county line on the opposite bank of said river at Bird Sexton's, so as to include F. Starnes, B. Crassel, C. Starns, J. Williams, and J. Kerloy, in DeKalb county.

Polk and Bradley. SEC. 5. *Be it further enacted*, That the line between the counties of Polk and Bradley be so changed as to include Dr. W. B. Wright's farm in Polk county.

Wilson and Cannon. SEC. 6. *Be it further enacted*, That the county line between the counties of Wilson and Cannon be so changed as to include the lands of James King in the county of Cannon.

Rutherford and Coffee. SEC. 7. *Be it further enacted*, That the line between the counties of Rutherford and Coffee be so changed as to run with the old line between said counties, running on the summit of the main dividing ridge between the waters of Stone and Duck rivers, including Smith Carney's dwelling house in Rutherford county, and that the citizens hereby attached to Rutherford county are endowed with all the rights and privileges of other citizens of said county of Rutherford.

Haywood and Madison. SEC. 8. *Be it further enacted*, That the county line between the counties of Haywood and Madison be so changed as to include the residence and out houses of John W. McKissack in the county of Madison.

SEC. 9. *Be it enacted*, That the foregoing sections of this act, shall take effect from and after its passage.

Anderson and Roane. SEC. 10. *Be it enacted*, That the dividing line between the counties of Anderson and Roane, be changed as follows: Beginning on a beach in the Roane county line, near M. C. Winter's, running south thirty-nine east, and crossing Poplar creek at two hundred and ninety-two chains, the

same course continued; in all three hundred and twenty-eight chains, to a Walnut in William C. Griffith's line, thence south forty-five east, eighty chains to a black oak sapling on the top of the Black Oak Ridge, thence north sixty-two east thirteen chains, to a large black oak, thence south fifty east, crossing the Kingston road at one hundred chains, the same course continued in all one hundred and ninety-eight chains, to a stake on the top of the East Fork Ridge, thence with the top of said ridge, south forty west, to the Roane county line, including in the county of Roane the residences and farms of D. L. Bradley, John R. Galbreath, Samuel Tunnell, Wm. Rite, W. C. Griffith, and J. C. Roberts.

SEC. 11. *Be it further enacted*, That the tenth section of this act, shall not take effect until the first day of May next, and nothing in this act shall be so construed, as to prevent the citizens living within the above boundary from voting at the next March election in the county of Anderson for county officers, nor to prevent the revenue collector for the county of Anderson, from collecting the taxes assessed against them in the county of Anderson for the present year, 1858.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 4, 1858.

CHAPTER 48.

AN ACT directory to railroads as to the time of stopping at the intersection of any other road.

The first 34 sections of this act are local.

SEC. 35. *Be it further enacted*, That it shall be the duty of all trains, on each and every railroad in this State, when they arrive at the point of intersection with any other road, to stop their respective trains at least fifteen minutes, for the purpose of enabling passengers, baggage, and freight to be transferred from one train to another. Trains to stop
15 minutes.

SEC. 36. Any railroad company failing or refusing to comply with the provisions of this act, shall be liable to pay to any person aggrieved thereby, a sum not exceeding one hundred dollars for each and every offence, to be re- Penalty.

covered by action of debt before any tribunal having jurisdiction thereof.

SEC. 37. This act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed January 29, 1858.

CHAPTER 49.

AN ACT to authorize the erection of mill-dams across Duck river at any point below the town of Columbia; and to give direction to Soam Waddle and Moses Moore, how to build their mill-dam across Nollachucky river.

Dams not to im-
pede navigation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws now in force in this State, prohibiting the erection of mill-dams across Duck river below the town of Columbia and the Hickman county line be, and the same are hereby repealed: *Provided*, said dams hereby authorized to be erected, do not impede the navigation of said river so far as rafting, flatboats, and other small crafts are concerned.

SEC. 2. *Be it further enacted*, That hereafter it shall be lawful for any person or persons to erect a mill-dam or mill-dams across said river, at any point between the said town of Columbia and the Hickman county line, in the same manner that mill-dams may now be erected across said river above the said town.

SEC. 3. *Be it further enacted*, That the act passed November 6, 1857, allowing Soam Waddle and Moses Moore to build a mill-dam across Chucky river, shall be amended by the following proviso: That said dam shall be so constructed as not to obstruct the navigation of said river.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 50.

AN ACT to make more secure the rights of vendors of lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where lands heretofore have been, or may hereafter be sold, the vendor, as each payment of the purchase money shall become due, may bring his suit to enforce his lien as vendor and may have so much of the land sold as may be necessary to pay the money so due; and the suit so brought shall be retained in court, and as each of the other payments become due the court shall direct a sufficient quantity of land to be sold to satisfy the same. Vendor may sell.

SEC. 2. *Be it enacted*, That if the land cannot be divided without great injury to the parties, or if the vendee so direct, it shall be the duty of the court to direct it all to be sold at one time, making the payments to fall due at such times as the purchaser had agreed to pay the vendor; and the money, as collected, shall be applied to the payment of the debts due to the vendor.

SEC. 3. *Be it further enacted*, That land shall not be sold in parcels as above described except at the option of the defendant; and in the event that it is all sold, or in parcels, the defendant shall have the right of redemption, as in other cases. Redemption.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 51.

AN ACT to regulate the fees and commissions of clerks, and other officers, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fees of clerks and masters in equity, clerks of the circuit and county courts, registers and surveyors in this State, be changed and amended as hereinafter provided for.

CLERKS AND MASTERS IN EQUITY.

For selling property under decree of court, and other proceedings, touching the collection and disbursing the proceeds, at the following rates: at the rate of four dollars for the first hundred dollars; at the rate of three dollars per hundred for every hundred over one, and not exceeding three hundred dollars; at the rate of two dollars per hundred for every hundred over three hundred, and not exceeding five hundred dollars, and at the rate of one dollar and fifty cents for all over five hundred dollars, until his fees shall amount to one hundred dollars; and in no case shall his fees exceed that amount, *Provided*, That when the amount of the sale shall exceed the sum of six thousand dollars, the court may make such additional allowance as may be deemed just and reasonable, provided it shall not exceed two per cent. upon the whole amount of sale.

That in all cases where clerks and masters in chancery are required by law, or at the order of the court, to perform duties as receiver, trustee, or commissioner, or in any other capacity where there are no fees allowed by law for such services, the court or chancellor may make such allowance as may be deemed reasonable and just.

CLERKS OF THE CIRCUIT COURTS.

For selling property under decree of court, the same commissions and fees as are allowed clerks and masters in chancery.

For docketing and numbering each cause,	\$0 25
For each order or motion, and order thereon,	25
For making out bill of costs and entering same on execution docket,	50
For each indictment or presentment,	25
For taking bond from receiver or guardian,	1 00
For filing or recording declaration of intention of citizenship, with copy thereof and seal of court,	1 50
For entering final decree on above, with copy thereof, with seal,	1 50
For empanneling each jury, in case of felony,	50
For each certified copy of order,	25
For rendering to county trustee each year an account of the fines and forfeitures and announcements,	1 00
For recording and countersigning each license or privilege,	25

For receiving and handing over all moneys from defaulting officers at the rate of six per cent.	
For entering a judgment <i>nisi</i> ,	\$0 50
For entering each fine for contempt or non-attendance as juror,	25
For setting the same aside,	25
For each recognizance of record,	25
For any security taken of record,	25
For each witness probate,	05
For issuing each <i>capias</i> ,	75
For taking any revenue bond, when ordered by the court, the same fees allowed clerks of county courts for similar services.	
For all necessary postage, the amount thereof.	

CLERKS OF THE COUNTY COURTS.

For taking a <i>femme covert</i> examination,	25
For order to lay off year's support to widows or minors,	25
For copy of same,	25
For order confirming same, or any other order of court,	25
For recording report of commissioners to lay off same,	25
For taking and recording each official bond not heretofore provided for,	1 00
For all proceedings as required under the act of 1849-50, chapter 34, section 1,	2 00
For taking and inserting in tax book the list of any person failing to make return of his taxable property,	10
For issuing warrant in any case,	50
For issuing Tippling License and taking bond,	2 00
For taking refunding bond and recording same,	50
For recording in minutes of court each bill of costs from circuit court, to be paid by the county,	15
For certificate for wolf scalp,	25
For all appeals from county court to circuit or supreme court, the same fees allowed clerks of the circuit or chancery courts.	

COUNTY REGISTERS.

That hereafter the County Register shall be allowed to demand and receive the same fees for registering deeds of trust on real estate, that are now allowed for registering deeds of conveyance, in fee simple.

COUNTY SURVEYORS.

That hereafter the county surveyors shall be allowed for their services, three dollars per day, to be computed from the time of leaving home, together with the actual time necessary in calculating the area of such survey.

COUNTY TRUSTEES.

That all County Trustees shall receive one per cent. for receiving and paying out the common school fund.

Ten cents per
hundred words.

SEC. 2. *Be it further enacted*, That hereafter the clerks of the county courts shall receive for taking and stating the account of executors or administrators or guardians, every four figures to one word, and figures to be used when practicable, per hundred words, ten cents.

SEC. 3. *Be it further enacted*, That hereafter, sheriffs in this State shall be allowed their regular commissions on sales of any property, when the same is bid off by the plaintiff, or his or her agent, and that county court clerks be allowed for certified copy of marriage license, fifty cents.

SEC. 4. *Be it further enacted*, That the act of 1835, section 4, chapter 13, be so amended, that in all cases where the Attorney General shall recover any judgment for any of the forfeitures therein specified, receive a fee of ten dollars for his services, not otherwise provided for by law, to be taxed to the bill of costs and paid by defendant.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 8, 1858.

CHAPTER 52.

AN ACT to amend the act of 1825, chapter 21, section 1, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of*
Lien. the State of Tennessee, That hereafter when any debt shall be contracted to become due for rent, whether by note, account, or otherwise, it shall be a lien on the crop growing or made on the rented premises for three months

after the rent shall fall due, and until the decision of any suit that may be brought within that time for such rent.

SEC. 2. *Be it enacted*, That the lien given by the first section of this act, shall be good and subsisting from the date of the contract, and shall have precedence over all other debts of every description until it shall be discharged; and it shall not be necessary to bind the crop that the person to whom said rent may be payable shall have first obtained judgment and execution against the tenant. Crop bound for rents.

SEC. 3. *Be it enacted*, That when any person or persons, shall purchase from any tenant the crop or any portion thereof, with notice of the lien given by the first section of this act, whether before or after the rent shall be due, it shall be lawful for any landlord, or other person to whom the rent may be payable, to maintain an action at law against such purchaser, for damages sustained by said landlord or other person, by reason of said purchase.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 10, 1858.

CHAPTER 53.

AN ACT empowering surveyors to qualify commissioners to partition real estate.

Be it enacted by the General Assembly of the State of Tennessee, That all county surveyors, and their deputies, in this State, are hereby authorized and empowered to administer all necessary oaths to commissioners who may be appointed to make partition of real estate, and that this act take effect from its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 10, 1858.

CHAPTER 54.

AN ACT to amend an act entitled, An act for the benefit of the Tennessee Hospital for the Insane, passed February 7, 1856.

Be it enacted by the General Assembly of the State of Tennessee, That the annual tax of one and a half cents, allowed by the act passed February 7th, 1856, chapter 146, be reduced to nine-sixteenths of a cent on the hundred dollars, annually for the next two years; and that eight-sixteenths of the proceeds of said tax be applied by the trustees of said institution to finishing said institution and improving the grounds attached thereto, and for such other purposes as the majority of said trustees may direct for the benefit of said institution.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 10, 1858.

CHAPTER 55.

AN ACT supplementary to an act passed March 1, 1856, to regulate weights and measures in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Superintendent of Weights and Measures of this State shall receive an annual salary of three hundred dollars for his services; the salary of the present incumbent to date from October 9th, 1855, and to be paid at the rate herein established. He shall be a man of sufficient learning and mechanical skill to perform the duties of his office, which shall be to take charge of, and use every precaution for the perfect preservation of the State standards, furnished by the government of the United States; to keep them in the room of the Capitol now used for that purpose; to adjust and verify in conformity to them, all weights and measures used for standards in this State; and for no other than scientific purposes and the adjustment of such standards, shall the State standards be used.

Salary, qualifications and duties of Superintendent.

SEC. 2. *Be it further enacted,* That the county courts

of this State are hereby authorized and required to appoint as standard keeper and sealer of weights and measures, a suitable person who shall live at or as near to the county town as a suitable person can be procured. County court to appoint keeper. He shall hold his office during the pleasure of the court, or until his successor shall be elected and qualified; his duties shall be to take charge of, and use every precaution for the perfect preservation of the standards furnished by this State, and be responsible for any soiling, abrasion, or other injury thereto; he shall be provided with suitable substitutes or copies of the State standards in his charge, and he shall use the standards for no other purpose than to adjust and verify such substitutes or copies, which he is required to do at least once in each year; with such substitutes, he shall prove all weights, measures, and other apparatus used for weighing or measuring that may be brought to him for that purpose, and be responsible for the conformity of them to the standards, if sealed by him; he shall also be provided with suitable balances, brands, stamps, and such other apparatus as may be required for proving and sealing such articles; he shall be entitled to receive for his services the following rates, to wit: For proving each balance beam, patent balance, platform Fees. scales, steel-yards, or other weighing apparatus, requiring less than one hundred pounds to test, ten cents; for such as require from one to five hundred pounds, to test, twenty-five cents; and for such as require five hundred or more pounds to test, fifty cents; for proving and sealing each yard measure, five cents; for proving and sealing each capacity measure of less than one gallon, five cents; of one gallon or more, ten cents; for proving and sealing each weight or poise of less than ten pounds, five cents; of ten or more pounds, ten cents; he shall also be entitled to charge a reasonable compensation for labor and material employed in making such weights, measures, or balances as are not correct, conform to the standards.

SEC. 3. *Be it further enacted*, That the corporate authorities of any city or town in this State are hereby authorized to appoint a suitable person as standard keeper and sealer of weights and measures, who shall have concurrent powers and privileges with the county sealers: Corporation appoint. *Provided*, That such corporation shall procure and have verified according to the provisions of this act, a suitable set of standards at the expense of such corporation.

SEC. 4. *Be it further enacted*, That the sealer of weights and measures shall brand or mark all such weights, measures, balances, &c., as upon trial or adjustment shall be found correct, with the letter T and the current year;

and they shall be the only persons authorized to use such seal or mark in this State; they shall prove all balances having poises, such as patent balances, steel-yards, platform scales, &c., with correct weights to the extent of the balance of such poise, if under five hundred pounds, and if over five hundred to at least that extent; and in no case shall they be entitled to receive fees without a fair trial of all articles; and if upon trial, they shall not be found correct or cannot be made to conform to the standards, they shall be forfeited to the sealer so trying them, except by the payment of an amount equal to the charges for proving and sealing; and no apparatus used for weighing shall be sealed by them which will not weigh accurately within one-fourth of a pound in one hundred, or in such proportion; and for all such articles as from their cumbersome nature or otherwise, are not brought to the office of the sealer and he may prove them where used, he shall be allowed a reasonable charge for extra expense and trouble.

Fees forfeited in certain cases.

Penalties for failure to have weights and measures sealed.

SEC. 5. *Be it further enacted*, That it shall be the duty of each and every sealer in this State to advertise each year, by posting at the court house door, or in any other public manner, where he may be found with his apparatus for proving and sealing. It shall also be the duty of every person or persons keeping any store, grocery, ware house, merchant mill, commission house, railroad depot, or for any person or persons keeping any scales, &c., for weighing or measuring for the public, once in each year, to have the weights, measures, and other apparatus used by them, proved and sealed under a penalty of five dollars and all costs, for every such neglect, to be recovered before any justice of the peace, one-half of the penalty to the use of the town or county, and one-half to the person who may prosecute therefor. All other persons in this State, not enumerated in this section, who shall use weights, measures or other apparatus in buying or selling which have not been once sealed according to the provisions of this act, shall be subject to a penalty of one dollar and costs, recoverable as above; and if any person or persons shall use any such weights, measures, &c., which have not been sealed according to the provisions of this act, or have been altered after being sealed, whereby any person or persons shall be defrauded, they shall be subject to an action at law, in which the defrauded person or persons shall recover three times the amount of damages and all costs.

SEC. 6. *Be it further enacted*, That whenever the State Superintendent of Weights and Measures shall resign, be

removed from office, or remove from Nashville, he shall deliver the State standards to his successor, or to the Secretary of State; whenever any city, county, or town sealer shall resign, be removed from office, or remove from the city, county, or town, in which he shall have been appointed or elected, it shall be the duty of the person so resigning, removed, or removing, to deliver to his successor in office, or if county sealer, to the chairman of the county court, all the standards in his charge, and all such beams, balances, weights and measures, &c., that he may have in his possession, belonging to the State, county, or town; or in case of the death of any such person, his representatives shall in like manner, deliver as above directed, all such standards, weights, measures, &c.

SEC. 7. *Be it further enacted*, That all contracts hereafter made within this State, for work to be done, or for anything to be sold or delivered by weight or measure, shall be taken or construed according to the standards adopted in this act. Work done for State.

SEC. 8. *Be it further enacted*, That each standard keeper, when elected, shall take an official oath, as follows:

"I, A. B., do solemnly swear or affirm (as the case may be) that I will not stamp or seal any weights or measures, but such as shall, as near as possible, agree with the standards in my keeping; and that I will, in all things duly and faithfully discharge the trust reposed in me to the best of my skill and judgment, so help me God." Oath of office.

SEC. 9. *Be it further enacted*, That it shall be the duty of all surveyors in this State to have the chains and other measures used by them in conformity to the standards; for which purpose, they are authorized to copy from the standard of length in charge of the standard keeper of their county and in his presence, a suitable rod or measure for the purpose of testing such chains or measures as they may use. Surveyors.

SEC. 10. *Be it further enacted*, That the corporate towns in this State are hereby authorized to pass such laws as may require all articles now usually sold by dry or heaped measure, to be sold by weight within their corporate limits. Power of corporations.

SEC. 11. *Be it further enacted*, That the Governor of the State cause to be made, as soon as practicable, under the direction of the Superintendent of Weights and Measures, and furnish to the order of each county court of this State, the substitutes or copies, and such other apparatus as is directed in the second section of this act, to be used by the county sealers in testing and sealing; and that the

Comptroller be authorized to issue his warrant for the payment of the expenses attending the same.

SEC. 12. *Be it further enacted*, That all laws and parts of laws contrary to this act are hereby repealed.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BUBCH,

Speaker of the Senate.

Passed March 10, 1858.

CHAPTER 56.

AN ACT to authorize courts of law to afford relief to persons exposed to the claim of two or more adverse parties, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in all suits where the defendant or defendants shall make application to the court, by petition and affidavit, showing that the right in the subject matter in controversy, is in a third party; and that he, she or they, have no interest in the subject of the suit, and may be exposed to the claim of two or more adverse parties, whether the subject matter came into the possession of said defendant or defendants by bailment or otherwise, it shall be lawful for the court before whom said cause may be pending, provided said application be made after declaration and before plea, to order *scire facias* to issue to such third party, to appear at the next term of the court, and maintain or relinquish his claim, and all further proceedings shall be stayed in each action, until the order of the court, in the premises, shall be complied with.

Scire facias to be issued in certain cases.

SEC. 2. *Be it enacted*, That the provisions of the first section of this act, shall apply to suits before justices of the peace, as well as to other courts.

Justices of Peace

SEC. 3. *Be it further enacted*, That the act of 1817, chapter 86, section 1, be so amended, as to authorize justices of the peace, and any of the courts of this State, before whom any cause may be pending, by appeal or otherwise, where the subject matter does not exceed fifty dollars, to hear and determine such cause upon principles of equity,

Have equity jurisdiction.

and to render such judgment or decree as the merits of the case may require, as fully, and in the same manner as courts of chancery now do.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 13, 1858.

CHAPTER. 57.

AN ACT to prevent circuity of action in the chancery courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where any bill may have been, or shall hereafter be filed in any of the chancery courts of this State, upon any debt, without judgment having been obtained, or execution issued thereon, for the purpose of setting aside any fraudulent conveyance, which has been made by any person for the purpose of hindering, delaying or defrauding his just creditors; the court in which said bill shall be filed, if they think said conveyance is not fraudulent but that the claim is just, shall enter judgment for such amount as is right, and the same shall be ascertained by a jury, or by reference to the clerk and master if it is disputed by the defendant; *Provided,* That the Chancellor shall tax the complainant with all the costs in such cases, except what is incidental to taking the judgments.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 58.

AN ACT to provide counsel for the poor.

Be it enacted by the General Assembly of the State of Tennessee, That the third section of an act passed in 1821, chapter 22, be and the same is hereby made to apply its provisions to defendants as well as plaintiffs.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 59.

AN ACT to amend the act of 1856, chapter 113, entitled, An act to provide a remedy in favor of private individuals against the State of Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That hereafter trustees shall only be required to give bond and security in a sum equal to the value of the goods, chattels, or other assets, mentioned in the trust deed or assignment, and so much of the 10th section of an act passed 28th February, 1856, chapter 113, as comes in conflict with this act, is hereby repealed.*

SEC. 2. *Be it further enacted, That the 15th section of said act passed 28th February, 1856, be and the same is hereby repealed, and that hereafter trustees and assignees shall receive five per cent. for collecting, selling, and settling estates conveyed in trust.*

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 60.

AN ACT to transfer the books, warrants, and papers of the County Judge to the Chairman of the County Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the books, warrants, and papers belonging to the office of county judge, in the several counties of this State, wherein the office of county judge is not retained, shall be and the same are hereby transferred to the chairman of the county courts in all of said counties.

SEC. 2. *Be it further enacted*, That the county judges who have heretofore held said office in this State, shall be authorized and required to hand over to said chairman of the county court, all of the aforesaid books, warrants and papers, whenever demanded.

SEC. 3. *Be it further enacted*, That this act shall have effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 61.

AN ACT for the relief of Sheriffs and Revenue Collectors who have accounted for the State and county revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all sheriffs and revenue collectors who have gone out of office within the last two years, shall have the further time of one year to collect all arrearages of tax, for which they may have accounted to the State or county; and that said sheriffs or revenue collectors shall have as full power as acting sheriffs and collectors, and that sales of real estate so made by them for back taxes, which remain due and unpaid, shall be valid in as full and ample a manner as if made by acting sheriffs and collectors; *Provided*, That such sales shall not be authorized, where the property has been transferred to a purchaser without actual notice of the arrears of tax.

Further
granted. time

SEC. 2. *Be it further enacted*, That where any revenue collector in this State shall have made his annual settle-

ment and obtained a release from taxes on account of insolvency, removal or other cause, and shall thereafter collect the same, or any part thereof, he shall be required to pay over the same to the clerk of the county court of his county, who shall account for and pay over the same as other revenue coming in his hands.

SEC. 3. *Be it further enacted*, That this act shall take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,

Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 62.

AN ACT to amend the mechanics' lien law, and to extend its provisions to foundrymen and machinists.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the mechanics' lien secured by the existing laws may be enforced by suit before a justice of the peace for all sums within a justice's jurisdiction, and when the attachment has been levied on the land and a judgment rendered, and execution also levied on the same, the papers shall be returned to the circuit court there to be proceeded upon as in other cases of levy of justice's executions on land.

SEC. 2. *Be it further enacted*, That no justice's execution, in any such case commenced before a justice of the peace, shall be a lien on the land unless within twenty days after the rendition of the judgment an abstract of the same, showing the name of the plaintiff and defendant, and the date, and amount of the recovery, be registered in the office of the register of the county, in which the judgment is rendered, which the register shall index as he is required to index deeds, for which services he shall receive the sum of twenty-five cents.

SEC. 3. *Be it further enacted*, That all the provisions of an act passed January 28, 1846, entitled, "An act to perfect the lien of mechanics, and to extend the same to journeymen and others," be and the same are hereby extended to foundrymen and machinists who shall do any

work, furnish or put any fixtures, machinery, or material, either of wood or metal, the same and to the same extent as in the said act is provided for mechanics and others. Machinists and foundrymen.

And be it further enacted, That this lien shall be to the same extent and its operation enforced in the same manner as is provided in said act.

SEC. 4. *Be it further enacted,* That the provisions of this act shall be extended to journeymen workmen of such foundrymen or machinists, under the same restrictions and to the same extent, and shall be enforced in the same manner as by the said act of 1846, the lien is granted to journeymen of mechanics and undertakers. Journeymen

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1857.

CHAPTER 63.

AN ACT for the more effectual prevention of wanton and malicious mischief.

Be it enacted by the General Assembly of the State of Tennessee, That any person who shall maliciously or wantonly destroy, injure or deface, any monument, or work of art, building, fence, or other structure, or destroy or injure any ornamental tree, shrub, or plant, whether situated on any private ground, or any street, public place, or public or private way, or cemetery, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished accordingly. Every such person shall moreover be liable, either before or after conviction, to an action in favor of any party injured; in which action, damages may be recovered to twice the amount of actual damages sustained.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 64.

AN ACT for the benefit of illegitimate children.

Be it enacted by the General Assembly of the State of Tennessee, That upon its becoming evident to the county court that the *Mother* of illegitimate children, disregards their moral and mental culture, and that she keeps a house of *ill-fame*, or lives in one; although she may provide ordinary *food* and raiment, may have power to bind out such children as though they were *orphans*: *Provided*, it is clearly satisfactory that the condition of such child or children will be bettered by so doing.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 65.

AN ACT for the benefit of Blount county, to authorize the County Court of Knox to fix the compensation of railroad tax collectors, to amend the first section of an act passed 8th February, 1858, entitled, an act to produce uniformity in the reports of railroad companies, &c., and to protect timber, &c., near railroad lines.

PREAMBLE.

An act to amend the fifth section of an act entitled, An act to authorize the county court of Blount county to subscribe stock in the Knoxville and Charleston Railroad Company, and issue bonds in the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proviso in the fifth section of the above recited act which this is intended to amend, **Taxes.** prescribing the mode of levying taxes by the county court on merchants and druggists, be and the same is hereby repealed, and in lieu thereof the said County Court of Blount is hereby authorized to levy one-fourth in amount of the State tax upon privileges, merchants and druggists.

Sheriff's compensation. SEC. 2. *Be it further enacted*, That the County Court of Knox may give to the Sheriff of said county, such compensation for collecting the railroad tax of said county, as to it seems proper and right.

SEC. 3. *Be it further enacted*, That the first section of an act passed the 8th February, 1858, entitled, An act to produce uniformity in the reports of railroad companies, and to define the duties of the Road Commissioner, be so amended that in preparing said form of report the Commissioner shall so change or alter such items specified in said 1st section as shall better adapt said form of report to the present railroad system of this State, and the manner of keeping the books of the different companies, but in no case make such alteration as will destroy uniformity in said reports, or prevent a full and detailed statement of the condition and operations of the different companies.

Commissioner's
Report.

SEC. 4. *Be it further enacted*, That instead of bringing their reports up to the last of July, as required by the 4th section of said act, the several companies shall be required to report up to the 30th of June of each year, as required by law.

SEC. 5. *Be it further enacted*, That hereafter, when any railroad contractor, by himself, agent, or operatives, shall wrongfully cut down, appropriate or otherwise destroy any growing timber, or wood, or any fence rails, on ground not belonging to any railroad company, said contractor shall be liable in damages to the party so injured, whether the wrong be committed by the said contractor, or his agent or operatives.

Protection of
timber, &c.

SEC. 6. *Be it further enacted*, That any surplus of State Bonds issued under the internal improvement act, and the acts amendatory thereof, which any railroad company may have left after providing the rails and equipment of their road, or of any section thereof, may be applied to ballasting, trestling or construction.

SEC. 7. *Be it further enacted*, That the county court of any county having stock in any railroad, shall be empowered by and with the consent of the people of the county to be signified in the manner prescribed for authorizing county subscriptions of stock to sell the same.

SEC. 8. That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 66.

AN ACT to preserve the credit of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the president and directors of any railroad in this State, shall fail to pay the interest on their bonds which have been endorsed by the Governor, and which they are required by law to pay, the entire board of directors shall be immediately supplanted by the election and appointment of a new board; and it shall be the duty of the Governor to ~~notify~~ the stockholders in such railroad of the delinquency, and command them to elect another board, at such time and place as he may direct. *Provided*, That said president and board of directors shall not be removed, or a new election had, unless in the opinion of the Governor the interests of the State will be promoted thereby.

New boards to be
elected in certain
cases.

SEC. 2. *Be it further enacted*, That any such board, so failing to pay the interest on their bonds, and suffering them to go to protest, all further State aid shall be withheld, until said railroad companies shall pay off all interest due on any of said bonds.

DANIEL S. DONELSON,
Speaker of the House of Representatives

JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 67.

AN ACT to secure medical fees under certain circumstances.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the owners of hired negroes shall be responsible in all cases for medical attendance on their negroes to the physicians who may render such service, and no contract which the hirer or owner may make on the subject shall release the latter from this obligation to the medical attendant: *Provided*, it shall be the duty of the hirer to employ such physician as the owner of said hired negro or negroes may designate.

SEC. 2. *Be it further enacted*, That the trustees of all trust funds, in which negroes are included, shall be responsible to the physicians for their medical attendance on said negroes, which shall be paid out of said trust fund.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 68.

AN ACT to provide for the Blind School, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following sums are hereby appropriated for the use and support of the Blind School; five thousand five hundred dollars for heating apparatus, for cooking apparatus, for introducing water into the build-
ings, for repainting and repairing them, for school appa-
ratus, for furniture and for pavements and fences; and ac-
cording to the estimate submitted with the special report of
the Trustees, two hundred dollars a year, or at this rate,
for the tuition, maintenance and clothing of each poor pu-
pil admitted into the school according to law. Appropriation.

SEC. 2. The aforesaid appropriation shall be drawn from the Treasury, applied and accounted for in the manner prescribed in the Revised Statutes.

SEC. 3. The law making an annual appropriation of four thousand dollars to said school, is hereby repealed.

SEC. 4. *Be it further enacted*, That so much as has been drawn by said institution from the State Treasury for the year 1858, under existing laws be expended and accounted for in accordance with the provisions of this act.

SEC. 5. *Be it further enacted*, That the Governor be empowered to draw on the Treasury to an amount not exceeding ten thousand dollars for the purpose of making the necessary repairs or extensions of the Penitentiary.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 69.

AN ACT to amend the act of 1844, chapter 92, in relation to the sale of land for taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third section of the act of 1844, chapter 92, in relation to the sale of land for taxes, be so amended as to authorize the circuit courts to condemn lands distrained for public taxes, when the same has been returned by the sheriffs or revenue collectors in cases where he has been unable to state in whose name the same has been entered, or granted, or the range, section or surveyor's district; *Provided*, The same be described in his reports, sufficiently to identify the same; and all sales of land heretofore made in conformity with this act and the act this is intended to amend, shall be good and valid, and communicate a good title to the purchaser at said sale, and his assignees.

Titles.

SEC. 2. That the first section of the act of 1844, aforesaid, be, and the same is hereby repealed.

SEC. 3. That this act shall take effect immediately after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 70.

AN ACT to amend the criminal laws of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the criminal laws of this State be so amended that any person who shall willfully and maliciously injure by cutting or breaking with any instrument whatever, any flatboat or floating mills, or other watercraft, or whoever shall willfully and maliciously destroy, sink, or cause to be sunk, any flatboat or floating mill, or other watercraft, shall be held and deemed guilty of a misdemeanor, and upon conviction thereof shall suffer fine, or imprisonment, or both, at the discretion of the court trying said case.

Sec. 2. That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1658.

CHAPTER 71.

AN ACT to amend the laws in regard to steam mills.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed February 28, 1856, chapter 113, section 7, be so modified and amended as that hereafter it shall be lawful for any owner or owners of any steam mill to grind grain for their customers at any rate of toll which may be agreed upon by the parties; *Provided,* That no such owner or owners of any steam mill shall take more than $\frac{1}{4}$ of the grain for grinding; *Provided,* That nothing in this act shall be so construed as to affect mills impelled by water power.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 72.

AN ACT to amend the act of 1849-50, chapter 77, section 2, in the absence of a county surveyor, to give the courts power to appoint one to lay off dower, &c.

Be it enacted by the General Assembly of the State of Tennessee, That the act of 1849-50, chapter 77, section 2, be so amended that in the absence of a county surveyor it shall be lawful for either of said courts to appoint any competent person as surveyor, to act with the other two commissioners in laying off and assigning dower.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 73.

AN ACT to extend the time for acceptance to the suspended banks.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the provisions of the act of the General Assembly, entitled, An act to enforce the resumption of specie payment by the suspended banks, &c., passed January 28, 1858, be and the same is hereby so amended, as to extend the time of acceptance of said banks ninety days from and after the passage of this act.

Extend time.

Retiring
notes. small

SEC. 2. That said act of January 28, 1858, be so modified, as to postpone the retiring of the small notes, under the denomination of five dollars, from the first day of July, 1858, until the 1st day of January, 1859, and the retiring of all notes under the denomination of ten dollars, until the first day of January, 1850, and that all the Free Banks and Stock Banks, which accept the provisions of the above recited act, be allowed to receive and pay out the notes of the Bank of Tennessee and Branches.

Bank of Tennessee.

SEC. 3. *Be it further enacted,* That the Bank of Tennessee shall not be required to resume specie payment, until the Union and Planters' Banks shall file their acceptance of the provisions of this act, and of an act passed at this session entitled, An act to enforce the resumption of specie payments by the suspended banks, and to offer to their acceptance certain amendments to their charters, and for other purposes, and if they do not accept of the provisions of said acts, the day of resumption by said Bank of Tennessee shall be left to the discretion of its President and Directors.

Branches
Memphis
Knoxville. at and

SEC. 4. *Be it further enacted,* That four hundred thousand dollars of the stock of the State in the Union and Planters' Banks be sold by the President and Directors of the Bank of Tennessee, as now authorized by law, and the proceeds applied to establishing a branch of said Bank at Memphis, with a capital of two hundred and fifty thousand dollars, and a branch at Knoxville, with a capital of one hundred and fifty thousand dollars; *Provided,* Such stock shall not be sold for less than par in gold and silver.

Deal in exchan-
ges.

SEC. 5. *Be it further enacted,* That the charter of the Bank of Tennessee, be so modified, as to permit the parent Bank at Nashville, to deal in foreign or domestic bills of exchange to such amount as, in the judgment of the President and Directors, the interest of the Bank, its means, and the demands of the country, require; but the branches of said Bank are not to be effected, so far as their banking powers and business are concerned, by the above modification as to the parent Bank.

SEC. 6. *Be it further enacted*, That the same privileges, conferred upon the parent Bank by the last foregoing section, is hereby extended to the Branches at Memphis and Knoxville, when established under the provisions of this act. Privileges extended to Branches.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 18, 1858.

CHAPTER 74.

AN ACT to allow trustees to resign in certain cases, and their securities to give them up in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter all trustees who may be appointed by deed of trust, and who may have complied with the requirements of the act of 1855-56 in regard to the qualification of trustees, be and they are hereby allowed to go before the county court of the county in which said trust deed is registered, and in which they may have been qualified, at any of its monthly meetings, and resign the trust committed to him by said trust deed Power to resign. under the same rules, regulations and restrictions, that executors and administrators are now by law allowed to resign their trusts; which resignation shall be accepted by said county court, and another person appointed in his stead, who shall comply with the act of 1855-6, in regard to the qualification of trustees, and be invested with all the rights and powers conferred upon the original trustee by said trust deed.

SEC. 2. *Be it further enacted*, That the act of 1829, chapter 15, section 2, providing for the release of securities of guardians be so amended that hereafter it shall apply to securities of trustees appointed by the circuit, chancery or county court, for the purpose of controlling any fund belonging to a *femme covert*, idiots, lunatics, or any trust fund under the control of said court, where the appointment is made by the chancery or circuit court, the proceedings shall be had before said court having charge of the fund. This act shall apply to trustees heretofore ap-

pointed, as well as those that may hereafter be appointed.
This act to take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 75.

AN ACT to amend the act of 1856, entitled, an act to prevent incompetent persons from teaching free schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed the 16th of February, 1856, entitled, "An act to prevent incompetent persons from teaching free schools, and for other purposes, be and is hereby so amended as that the county courts of this State may elect the commissioner or commissioners provided for therein, at any of the quarterly terms of said court, and that the commissioner or commissioners so elected shall hold office for the term of one year from the time of his or their election.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 76.

AN ACT to authorize the people to call a convention to revise, alter, or amend, the Constitution of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens of this State, entitled to vote for members of the General Assembly, are hereby authorized to assemble at the several places of holding elections in their respective counties, and vote for or

against calling a convention to amend, revise, or form and make a new Constitution for the State. Election.

SEC. 2. The election provided for in the first section, shall be held on the first Thursday in September next.

SEC. 3. The sheriffs of the several counties in this State shall, after giving sixty days' notice in writing in each civil district in their respective counties, and in some newspaper printed in the county, (if there be one) and if none, in some newspaper printed at Knoxville, Nashville, Jackson, and Memphis, open and hold an election, at the several places of holding elections in their counties, on the first Thursday in September next, as prescribed in this act. Sheriff to give sixty days' notice.

SEC. 4. The elections authorized by this act shall be held and conducted under the same rules and regulations that elections are for members of the General Assembly, and the returns of such elections shall be made in the same manner, that returns are made of elections for members of the General Assembly. Returns, how made.

SEC. 5. Each voter shall write on his ticket *Convention* or *no Convention*, and the returns of such election having been made, the Governor and Secretary of State shall compare all the votes cast for, or against the convention, and if it shall appear that the votes in favor of a convention amount to a majority of the whole number of votes polled for Governor at the election next preceding the day of election for or against said constitution, *Provided*, that a majority of the entire vote so polled shall be in favor of the convention, then, the Governor shall issue his proclamation, declaring that a majority of the votes polled, are in favor of a Convention. He shall also issue writs of election, directed to the sheriffs in every county in this State, authorizing and requiring the sheriff thereof, to open and hold elections for delegates to the convention, at the several places of holding elections in their respective counties, on the first Thursday in November next. Governor and Secretary of State to compare votes.

SEC. 6. Each county electing one representative to the General Assembly, shall elect one delegate to the convention; each senatorial district shall elect one delegate to the convention, and each representative district composed of more than one county, shall elect one delegate to the convention. Counties that elect more than one representative, shall elect the same number of delegates, as they are entitled to elect representatives. Governor to issue writs.

SEC. 7. Elections of delegates to the convention shall be held under the same rules and regulations, as members of the General Assembly, and returns of such elections shall be made in the same manner, as returns are made for mem- Delegates.

Returns.

bers of the General Assembly. The persons having the highest number of votes, shall be declared elected delegates to said convention.

SEC. 8. The delegates elect shall assemble at the capitol in the city of Nashville, on the first Monday in December thereafter, and proceed to the discharge of their duty. They shall receive the same compensation for their travel and services, as members of the General Assembly are entitled to receive under the existing laws of the State.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 77.

AN ACT for the benefit of the deaf and dumb, and of the blind.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, all persons, who are deaf and dumb, or blind, shall be, and they are hereby released from paying a poll tax or from working upon any of the public roads of this State.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 78.

AN ACT to provide for the voluntary liquidation of the free banks.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever any of the banks in this State, having bonds on deposit, as a basis of banking, shall notify the Comptroller, that it is the intention of such bank to go into liquidation, it shall be the duty of the Comptroller to surrender to such bank bonds on

deposit corresponding with the amount of issues. Such bank may return to the Comptroller for cancellation, *Provided*, the Comptroller shall at all times, give out such bonds, as he may deem least valuable, and shall, always, retain a sufficient amount of bonds to keep the outstanding circulation at par; and such bank shall only have three years for closing its business of banking, and for said term of three years such bank shall only pay out such notes as are now authorized by the laws of this State, and subject to all restrictions which may be imposed on them by subsequent acts, and such banks shall not have any brokerage privileges; *Provided*, That said banks, so liquidating, shall conform to the provisions of an act passed the present session of the General Assembly, entitled, "an act to enforce the resumption of specie payments," &c., except as herein modified; and, *Provided further*, said bank shall continue to pay the same State tax, as heretofore.

Duties of Comptroller.

Three years to wind up.

State Tax.

SEC. 2. *Be it further enacted*, That after two years shall have elapsed from the date of filing notice of voluntary liquidation by any free bank, and the outstanding circulation of such liquidating bank shall have been reduced to under five thousand dollars, then the Comptroller shall be authorized, and is hereby directed, to surrender the remaining bonds and take security approved of the Governor, for the outstanding circulation.

SEC. 3. *Be it further enacted*, That all laws, or parts of laws, now in force in this State, which provide that fines and forfeitures, imposed for a violation of any law regulating the business of banking, shall be paid into the treasury of the county, where said fines and forfeitures are imposed, be, and the same are repealed.

Fines and forfeitures.

SEC. 4. *Be it further enacted*, That hereafter all fines and forfeitures, imposed as aforesaid, shall be paid into the treasury of the State, instead of being paid into the county treasuries, as aforesaid.

SEC. 5. *Be it further enacted*, That the branch of the Bank of Tennessee, at Trenton, or the branch at Memphis, be authorized to extend to the citizens of Haywood county all the accommodations they would be entitled to if they were attached to either district.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 79.

AN ACT to secure the publication of the opinions of the Supreme Court, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Reporter for the State to furnish such newspapers as are authorized to publish the Public Acts in each grand division of the State, an abstract or copy of each opinion of the Supreme Court for publication, within one month after the adjournment of each session of court.

SEC. 2. That the newspapers publishing such opinions or abstracts, shall be paid therefor at the same rate now fixed for publishing the laws of the State.

SEC. 3. That the clerks of the several supreme courts shall make copies of the opinions of the judges in each case decided, within ten days after the decision, for the use of the Attorney General and Reporter.

SEC. 4. That the expenses of the Supreme Court shall in future be paid out of the State treasury upon the warrant of the Comptroller.

SEC. 5. That the Comptroller of the Treasury issue his warrant to George Dardis for one hundred and thirty-eight dollars for waiting and attending on the Supreme Court at December Term, 1855, December Term, 1856, and December Term, 1857.

SEC. 7. That the Comptroller of the Treasury issue his warrant for one hundred and thirty-five dollars, to any person from whom the State Reports may be purchased for the Clerk of the Criminal Court of Davidson county, as directed by law.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 80.

AN ACT to regulate taxes in incorporated towns.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for the corporate authorities of any incorporated town or city within this State, to assess and tax the property of any resident of said town or city, unless the same is located or kept and used within the limits of said town or city.

SEC. 2. This act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 81.

AN ACT to provide for collecting and keeping the public arms, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Superintendent of Weights and Measures shall be authorized to collect and keep the public arms of the State.

SEC. 2. All persons now having custody of said public arms are hereby required on demand to deliver the same to the Superintendent, except such as are in the hands of military companies fully organized or being organized, or may hereafter be organized, and in a state of efficiency.

SEC. 3. Said Superintendent shall have authority, with the advice and consent of the Governor, to employ such assistants as may be necessary to collect, clean, repair, and put in order said public arms; said assistants to be paid out of the treasury.

SEC. 4. The Superintendent shall have an additional compensation of two hundred and fifty dollars for his services, to be paid out of the Treasury. *Compensation.*

SEC. 5. The north basement of the Capitol, or as much thereof as may be necessary for the purpose, shall be set apart by the commissioners as a State Arsenal.

SEC. 6. Said commissioners shall cause such erections to

be constructed in said apartments as may be necessary and convenient for the storage of said public arms, to be paid for out of the capitol fund.

SEC. 7. *Be it further enacted*, That an act passed on the 15th day of February, 1858, entitled, An act to abolish military duty, be so amended as to require the report of the strength and condition of the militia to be made to the clerk of the county court in each year against the 10th of March, instead of the 10th day of June as provided in said act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 82.

AN ACT to furnish clerks and masters with the Reports of the Supreme Court, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it is hereby made the duty of the Secretary of State to furnish the clerks and masters of the different chancery courts in this State, hereafter with the reports of the Supreme Court of Tennessee.

SEC. 2. The Secretary of State is authorized and required to furnish the clerk of the Circuit Court of Sumner county with the reports of the Supreme court of Tennessee, from the first volume of Yerger's Reports, down to this time; *Provided*, the same can be had without re-printing, and the Comptroller shall issue his warrant for a sum of money sufficient to pay for the same, if the Secretary has to purchase them or any part thereof.

SEC. 3. The Secretary of State is directed to procure three complete sets of the decisions of the Supreme Court, and furnish one set to the Supreme Court of each division of the State.

DANIEL S. DONELSON,
Speaker of the House of Representatives

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 83.

AN ACT requiring survey to be made before any change shall hereafter be made in any county line, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter no change shall be made in any county line or lines unless the person or persons desiring such change shall, prior to the first day of June preceding the meeting of the Legislature to which application is made for such change, cause to be made, by one or both of the county surveyors of the counties interested in the proposed change, an accurate survey and plot of the line or lines proposed to be established, giving the course and distance of each line, and such other landmarks and natural boundaries as may be necessary to a correct understanding of the same after survey shall have been made as aforesaid; and before the first day of June as aforesaid, the parties desiring such change shall give notice of such proposed change, in writing, posted at three of the most public places in the vicinity of the purposed change. *Provided*, Nothing in this act shall be so construed as to effect the laying off new counties in this State.

Survey to be made.

SEC. 2. *Be it further enacted*, That the county line between the counties of Monroe and Roane, be so changed as to include James Sewel, William Carter, William Elkins, John Billingsly, and David H. Dickey, in said county of Monroe, that the change in said line commence on the top of the Black Oak Ridge, near the town of Philadelphia, running west with the center line of the first and second sections of township 2d, range first, east of the meridian line, so as to include the residence of James Sewell, thence with the said line to the Pond Creek road, thence with said road passing the dwelling of David H. Dickey, and across Pond Creek at the ford near said Dickey's house, thence with the road leading to the town of Philadelphia, to the original county line.

Monroe and Roane counties.

SEC. 3. *Be it enacted*, That the 10th section of an act passed the 4th of March, 1858, entitled, An act to change the line between the counties of Grundy, Jefferson, Granger, Anderson, and Roane, be, and the same is hereby repealed. *And be it further enacted*, That a line be established between the counties of Rhea and Bledsoe, to begin at the Pole Bridge Creek and run a southwest direction so as to include B. F. Bridgeman's farm, and to intersect the established line at a white oak, black oak, and

Rhea and Bledsoe.

hickory known at the old corner of Rhea, Hamilton and Bledsoe counties.

Cumberland and
Bledsoe.

SEC. 4. *Be it further enacted*, That the line between the counties of Cumberland and Bledsoe be so changed as to include Mark Stephens and William Moss in the county of Bledsoe. *And be it further enacted*, That the line between the counties of Warren and Grundy, be so changed or altered as to include the whole of the farm and residence of Wyatt M. Humble in Warren county, and that he be entitled to all the rights and privileges of other citizens of Warren county.

Marion and
Grundy.

New civil dis-
trict in Warren
county.

SEC. 5. *Be it enacted*, That a new civil district be formed in the county of Warren, consisting of fractions of the 8th, 10th, and 16th civil districts, bounded as follows: Beginning at a point on the Coffee county line where the Short Mountain and Hillsborough road crosses the same, thence east to the old McMinnville stage road, thence north with the same to John Telford's, thence north-westwardly to Simpson McAfee's, thence northwardly to Abraham Moncey's near the McMinnville and Manchester Railroad, thence westwardly to L. D. Dowdys', thence northwardly to the widow Nancy Brown's, thence southwardly to the Coffee county line, thence eastwardly with the said line to the beginning; to be denominated the 17th civil district in Warren county, and shall hold its elections at Morristown Depot in said district.

SEC. 6. *Be it further enacted*, That the Sheriff of said county be required to give the required notice and hold an election in said district for the election of two magistrates and one constable, and shall certify the same.

SEC. 7. *Be it further enacted*, That the line running from Simpson McAfee's northwardly to L. D. Dowdy's, crossing the McMinnville and Manchester Railroad, thence southwardly to William Swart's, thence southwardly to the Coffee county line, thence east with said line to the beginning, so as to include Jesse Hulet in said civil district, and in said county, and leaving out Moncey and the widow Brown.

Wilson and De
Kalb.

SEC. 8. *Be it further enacted*, That the line between the counties of Wilson and DeKalb be changed to run as follows: Beginning at Pallace Laurence's south corner, which is on the Wilson and DeKalb county line, running thence with the said Pallace Laurence's southern boundary to Thomas J. Kidwell's farm, thence with said Kidwell's southern and western lines, and the said Pallace Laurence's boundary to the Wilson county line, including alone into DeKalb county the farms of the said Laurence and Kidwell.

SEC. 9. *Be it further enacted*, That the line between the counties of DeKalb and Smith be changed to run as follows: Beginning on a birch tree on the line of Smith and DeKalb counties, on the western corner of Louisa D. Dowell's tract of land, and running thence north with the said Louisa D. Dowell's western boundary to the north-western corner of a tract of land owned by J. F. and James Goodner, thence with their north-eastern boundary to Hickman's creek, thence up said creek to William Floyd's eastern boundary, thence with said boundary to the lands of Jacob Measels, and with his eastern boundary to the lands of William Grindstaff, thence with the said Grindstaff's eastern boundary to the lands of Martin Foutches' eastern boundary to the present county line between DeKalb and Smith. The line so changed will take the entire lands of J. F. and James Goodner, Louisa D. Dowell, William Floyd, Lucy Preston, Jacob Measels, William Grindstaff and Martin Foutche into DeKalb county. DeKalb and Smith.

SEC. 10. *Be it further enacted*, That the citizens whose dwellings were in Smith county prior to the passage of this act, and are by said act attached to DeKalb county, shall belong to the first civil district of DeKalb county.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 84.

AN ACT declaring it a felony to carry concealed about the person false or skeleton keys, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it is hereby declared a felony for any person to carry concealed about the person, any false or skeleton keys, jinnies, or any article of the kind, intended for effecting secret entrance into houses, for the purpose of committing theft, or other violations of the laws; and any person shall, upon indictment or presentment and conviction in any court having jurisdiction, be sentenced to confinement at hard labor in the jail and pen-

itentiary of the State of Tennessee, for a period of not less than one, nor more than ten years.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 85.

AN ACT to protect stock from milk sick.

Be it enacted by the General Assembly of the State of Tennessee, That where persons in this State, have built fences to protect stock from *milk sick*, any person or persons who may wilfully leave the bars or fences down or the gates open, for each and every such offence, shall be fined in the sum of twenty-five dollars, to be recovered before any justice of the peace, and the informer shall have one-half of the fine so collected, and the remainder shall go into the county treasury.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 86.

AN ACT to amend the law in relation to the punishment of slaves.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any slave or free negro shall be convicted of being engaged in, or aiding, abetting, or advising, any insurrection of slaves, or of feloniously killing his, her or their master or mistress, he, she or they shall be punished with death; and it shall be the duty

of every judge of the circuit or criminal courts, at any time when an application is made to him in writing, certified by the oath of at least five creditable persons, setting forth that they have cause to believe, and do verily believe, that a certain slave or slaves, free negro or negroes, within their circuit or district, are engaged in or advising, aiding, and abetting an insurrectionary movement, or have feloniously killed his, her or their mistress or master, forthwith to open court, empanel a grand jury, and proceed regularly to the trial of such slave or slaves, free negro or negroes, and if the regular Attorney General is not or cannot be present, to appoint one *pro tem*. And all such proceedings shall be as valid as though done at a regular term of the court.

SEC. 2. All proceedings under the foregoing section, shall be by indictment or presentment, and the trial shall be by a jury of twelve men.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 2858.

CHAPTER 87.

AN ACT relative to unclaimed dividends of insurance companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every insurance company, now or hereafter to be incorporated, doing business in the State, on or before the first day of may next, and annually thereafter, shall cause to be published for thirty days, in one public newspaper, printed in the city of Nashville, a true and precise statement, verified by the affidavit of the presiding officer, of all dividends and profits declared and payable upon any of the stocks, bonds, or other evidences of indebtedness remaining unclaimed by any person whatever, authorized to receive the same.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March, 1858.

CHAPTER 88.

AN ACT to systematize and prescribe the times and places of holding the Chancery Courts.

Be it enacted by the General Assembly of the State of Tennessee, That the Chancery Courts shall be held at the times and places prescribed in the following schedule :

IN THE EASTERN DIVISION.

Second Monday of January and first Monday of August, at Elizabethton, for Carter county.

First Mondays of March and September at Newport, for Cocke county.

First Mondays of April and October, at Knoxville, for Knox and Union counties.

Second Mondays of April and October at Sevierville, for Sevier county.

First Wednesdays after third Mondays of April and October, at Taylorsville, for Johnson county.

First Mondays of May and November, at Greenville, for Greene county.

Second Mondays of May and November, at Jonesboro', for Washington county.

Third Mondays of May and November, at Blountville, for Sullivan county.

Fourth Mondays of May and November, at Rogersville, for Hawkins county.

First Mondays of June and December, at Tazewell, for Claiborne county.

Second Mondays of June and December, at Dandridge, for Jefferson county.

Third Mondays of June and December, at Rutledge, for Grainger county.

Friday after the third Mondays of June and December, at Maynardsville, for Union county.

Fourth Mondays of June and December, at Jacksboro', for Campbell county.

First Mondays after fourth Mondays of June and December, at Sneedville, for Hancock county.

Thursday after the fourth Mondays of June and December, at Clinton, for Anderson county.

IN THE FIFTH DIVISION.

First Mondays of February and August, at Benton, for Polk county.

Third Mondays of February and August, at Athens, for McMinn county.

Fourth Mondays of February and August, at Cleveland, for Bradley county.

First Mondays of March and September, at Harrison, for Hamilton county;

Second Mondays of January and July, at Chattanooga.

Second Mondays of March and September, at Jasper, for Marion county.

Thursdays after first Mondays of February, and third Mondays of September, at Crossville, for Cumberland county.

Third Mondays of March and September, at Pikeville, for Bledsoe county.

Fourth Mondays of March and September, at Sparta, for White county.

First Mondays of April and October, at Livingston, for Overton county.

Second Mondays of April and October, at Jamestown, for Fentress county.

Thursdays after the second Mondays of April and October, at Huntsville, for Scott county.

Third Mondays of April and October, at Montgomery, for Morgan county.

Thursdays after third Mondays of April and October, at Kingston, for Roane county.

Fourth Mondays of April and October, at Decatur, for Meigs county.

Wednesdays after fourth Mondays of April and October, at Washington, for Rhea county.

Fourth Mondays of May and November, at Marysville, for Blount county.

First Mondays of June and December, at Madisonville, for Monroe county.

IN THE FOURTH DIVISION:

First Mondays of January and July, at Lebanon, for Wilson county.

First Mondays of February, and second Mondays of July, at Lafayette, for Macon county.

Wednesdays after first Mondays of February and second Mondays of July, at Gainesboro', for Jackson county.

First Mondays of February, and third Mondays of September, at Cookeville, for Putnam county.

Second Mondays of February and August, at Carthage, for Smith county.

Third Mondays of February and August, at Manchester, for Coffee county.

Wednesday after the third Mondays of February and August, at Winchester, for Franklin county.

Fourth Mondays of February and August, at Fayetteville, for Lincoln county.

Mondays after the fourth Mondays of February and August, at Shelbyville, for Bedford county.

Second Mondays of April and September, at Gallatin, for Sumner county.

Thursdays after third Mondays of March and September, at Smithville, for DeKalb county.

Fourth Mondays of March and September, at McMinnville, for Warren and Van Buren counties.

Fridays after fourth Mondays of March and September, at Altamont, for Grundy county.

Fifth Mondays of March and September, when there are five Mondays, otherwise, first Mondays of April and October, at Woodbury, for Cannon county.

Fourth Mondays of April and October, at Murfreesboro', for Rutherford county.

IN THE MIDDLE DIVISION.

Wednesdays after the third Mondays of February and August, at Lewisburg, for Marshall county.

Third Mondays of February, June and October, at Ashland, for Cheatham county.

First Mondays of March and September, at Pulaski, for Giles county.

Third Mondays of March and September, at Columbia, for Maury and Lewis Counties.

First Mondays of April and October, at Franklin, for Williamson county.

Thursdays after second Mondays of April and October, at Dover, for Stuart county.

Third Mondays of April and October, at Clarksville, for Montgomery county.

First Mondays of May and November, at Nashville, for Davidson county.

First Mondays of June and December, at Springfield, for Robertson county.

IN THE SIXTH DIVISION.

First Mondays of February and August, at Huntingdon, for Carroll county.

Second Mondays of February and August, at Lexington, for Henderson county.

Third Mondays of February and August, at Purdy, for McNairy county.

Thursdays after third Mondays of February and August, at Savannah, for Hardin county.

Fourth Mondays of February and August, at Waynesboro', for Wayne county.

First Mondays of March and September, at Lawrenceburg, for Lawrence county.

Second Mondays of March and September, at Centerville, for Hickman county.

Third Mondays of March and September, at Charlotte, for Dickson county.

Thursdays after third Mondays of March and September, at Waverly, for Humphreys county.

Fourth Mondays of March and September, at Camden, for Benton county.

First Mondays of April and October, at Decaturville, for Decatur county.

Thursdays after first Mondays of April and October, at Linden, for Perry county.

IN THE WESTERN DIVISION.

First Mondays of January and July, at Paris, for Henry county.

Second Mondays of January and July, at Dresden, for Weakley county.

Third Mondays of January and July, at Troy, for Obion county.

Fridays after the third Mondays of January and July, at Dyersburg, for Dyer county.

Third Mondays of February and August, at Jackson, for Madison county.

Fourth Mondays of February and August, at Brownsville, for Haywood county.

Second Mondays in May, and first Mondays in November, at Bolivar, for Hardeman county.

Third Mondays in May, and second Mondays in November, at Somerville for Fayette county.

Fourth Mondays in May and third Mondays in November, at Covington, for Tipton county.

First Thursdays after fourth Mondays in May, and first Thursdays after the third Mondays in November, at Ripley, for Lauderdale county.

Third Mondays of June and December, at Trenton, for Gibson county.

Fourth Mondays of May and November, at Memphis, for Shelby county.

The common law and chancery courts of the city of Memphis, shall hold two terms of the chancery side of the court a year, to commence on the fourth Mondays of May and November in each year; with power to hold special terms either by adjournment or by causing ten days' notice

to be given by the clerk and master, in two newspapers, printed in the city, in which notice the causes to be heard shall be specified.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 89.

AN ACT to enforce returns of tax statements by clerks of county courts.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That every clerk of a county court failing to make the return required by law of an aggregate statement of taxes, at the time required by law to the Comptroller, shall forfeit fifty dollars, to be recovered to the State Treasury.

Clerks required
to make state-
ments.

SEC. 2. The Comptroller, immediately on the expiration of the time within which such returns are required to be made, shall notify each delinquent clerk, by letter sent by mail, and at the same time notify each District Attorney for the State, of any district of this State, of every failure of any clerk in his district, whereupon the district attorney shall, at the next circuit court proceed to take judgment by motion, for the amount of the penalty prescribed.

Comptroller to
give notice.

SEC. 3. On the clerk producing to the district attorney, before motion, a receipt of the Comptroller for the tax statement, dated after the default, showing that from the date and postmark, it was mailed in time, said attorney shall not proceed; on the production of the same after motion, the clerk shall pay the costs; no other defence shall be allowed.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 90

AN ACT to provide for the adjudication of causes in cases of incompetency of judges and chancellors; to change the time of holding certain courts; and to authorise the transfer of certain criminal causes for trial to the county court of Knox county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in any cause wherein the Chancellor or circuit judge may be incompetent, then it shall Attorneys to act as judges. and may be lawful for the parties to agree in writing, which shall be entered upon the minutes of the court, that any attorney of court shall act as judge or chancellor, which shall be as binding as if the judicial acts were done by the regular judge or chancellor.

SEC. 2. *Be it further enacted*, That when a county judge is incompetent to try any cause in his court, he may notify any one of the circuit judges or chancellors, who County Judge. may as soon as practicable, set in the case instead of the county judge, and dispose of the same according to law, or, in such case the county judge may certify the case into the circuit court of the county, or chancery court of the district, when the same shall be disposed of according to law.

SEC. 3. That the times for holding the Chancery Court at Centerville, in Hickman county, shall be the second Mondays in March and September, and all laws in conflict herewith are repealed. Chancery Court of Hickman county.

SEC. 4. *Be it enacted*, That the County Court of Knox county shall have exclusive original jurisdiction of all criminal offences under the grade of petit larceny committed in said county, subsequent to the first day of April, 1858, that the proceedings shall be founded upon indictments, or presentments found in the Circuit Court of said county as heretofore, and all indictments or presentments found by the grand jury of Knox county for such offences, committed after the first day of April, 1858, shall be transferred for trial as aforesaid to the County Court of said county; and that the Clerk of the Circuit Court of Knox county upon the return of such indictments or presentments into the Circuit Court of said county, shall make entry thereof upon the minutes of said Court as heretofore, and certify the transcript of said entry and deliver it, with the original presentment or indictment, to the Clerk of the County Court of said county, (for which he shall receive ten cents,) who shall immediately make entry of the receipt of such indictment or presentment, and transcribe the entry of the finding thereof in a well bound book to be kept for that purpose, and carefully file and docket there for trial Duties of Clerk of Circuit Court of Knox county.

at said County Court, and the certified transcript of said entries shall be evidence of the finding of any such presentment or indictment so transferred as aforesaid.

Jurors.

Sec. 5. *Be it enacted*, That the Judge of the County Court of Knox county in each term next preceding the February, June, and October terms of said Court, cause to be issued a writ of *venire facias* to the sheriff of Knox county, for twenty-four competent citizens of said county to act as jurors in the trial of said offences, and that the Judge of said Court, have power at any time it may be necessary to cause to be summoned other persons to serve as jurors in said court.

Term of Court.

Sec. 6. *Be it enacted*, That the County Judge of Knox county shall, on the second Mondays of February, June, and October, open and hold terms of his said Court for the trial and determination of causes transferred to his Court, and continue in session until the business is disposed of or adjourn at his own discretion.

Sec. 7. *Be it enacted*, That in any cause in which said County Judge may be incompetent, it shall be lawful for any circuit judge, who may be presiding at Knoxville, to preside on the trial of such cause.

Sec. 8. *Be it enacted*, That the District Attorney of the Second Judicial Circuit, shall be prosecuting attorney in said Court in all respects as he is at present in the Circuit Court of said county.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 91.

AN ACT to provide for the keeping of criminal causes in court, and to pay the costs thereon, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any indictment or presentment may have been, or shall hereafter be found in any case of misdemeanor or felony after two *capiases* have been returned that the defendant is not to be found, or when in any case of felony, before or after conviction, the defendant has or shall hereafter break jail, or shall forfeit his bond, for his appearance at any court, in

such cases it shall be lawful for the court to strike the cause from the docket, and judgment shall be entered against the State for such costs as the State would be bound to pay were a *nolle prosequi* entered, or the defendant was cleared, but the said cause shall be considered as continuing in court, and if said defendant is afterwards captured, or he shall thereafter come into the State, a *capias* or other process shall run against him, and such proceeding in all such cases shall be had thereupon as if said cause had never been stricken from the docket; State to pay cost in certain cases. *Provided*, That the Attorneys General, and other officers shall have only one fee in such cases, and in case of conviction of defendants thereafter and adjudged to pay a fine and costs, and shall pay the same, the county or State shall be reimbursed for the costs thus paid out. Capias to issue.

SEC. 2. *Be it further enacted*, That hereafter the act of eighteen hundred and twenty-four, (1824) chapter seventeen, (17) section one, (1) shall not apply to parties convicted of misdemeanors.

SEC. 3. *Be it further enacted*, That the judges of the criminal courts may interchange labors with each other, in the same manner as provided by law for judges of the circuit courts.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 92.

AN ACT to provide for the distribution of decedants' estates in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever there are heirs or distributees, or supposed heirs or distributees, whose names or residences are unknown at the winding up of the administration of the estate of a deceased person, the personal representative shall give notice for six months in some newspaper or newspapers to be designated by the court or other court having cognizance of the estate to such heirs or distributees, to come forward and establish their right in said estate. Administrators to give notice.

SEC. 2. If such heirs or distributees fail to appear as required, the personal representative may pay or deliver

Take bond in certain cases.

over to the known heirs or distributees, the share of such unknown persons in the proportion in which each known heir or distributee would be entitled, if no such unknown heirs or distributees were in existence; however, taking from each heir or distributee so receiving such share, bond, with at least two good securities in double the value of the share, payable to himself as personal representative; and conditioned for the prompt and faithful payment or return of such share, should the unknown heir or heirs, subsequently appear and establish their rights.

SEC. 3. The court in which the administration of an estate is pending or conducted, may in like manner order such share of unknown heirs or distributees to be paid over to the known heirs or distributees, upon the execution of refunding bond as required in the preceding section.

Bond void after seven years.

SEC. 4. After the lapse of seven years from the grant of letters of administration, if such unknown heirs or distributees do not previously appear and establish their claims, the bonds executed in conformity with the provisions of the foregoing sections, shall be delivered up to the known heirs or distributees executing the same, and cancelled, or if from any cause the share of the unknown heir or distributee has not been paid over as before provided, the same may be paid or delivered to the known heirs or distributees, after the lapse of time above stated, without any refunding bond being required.

SEC. 5. A compliance with the provisions of this act shall forever exonerate the personal representative from any claim, or action on the part of such unknown heirs or distributees.

SEC. 6. That known heirs or distributees receiving such share or shares, shall, however, be liable for ten years after receiving the same, free from refunding bonds to account to the persons actually entitled, for such share, but without interest.

SEC. 7. The provisions of this act shall go into immediate operation, and apply to all past as well as to future administrations; *Provided*, nothing in this act shall be so construed as to affect the rights of minors, *femmes covert* or persons *non compos mentis*, or beyond sea.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 22, 1858.

CHAPTER 93.

AN ACT for the regulation of the salaries of the officers of the Penitentiary, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the guards at the Penitentiary be allowed for their services the sum of three hundred dollars per annum, to be paid in the same manner as heretofore, and the Keeper be and he is hereby allowed the sum of one hundred dollars per annum for the board of each guard employed at the prison. Salary and board of guards.

SEC. 2. *Be it further enacted*, That the inspectors of the prison shall fix the number of guards to be employed, and shall increase the number as the necessity of the prison may require. Inspectors fix number.

SEC. 3. *Be it further enacted*, That each convict in the Penitentiary shall have allowed him or her, one pint of good coffee each day. Coffee

SEC. 4. *Be it further enacted*, That the salary of the Keeper of the Penitentiary shall remain as heretofore fixed by law, and he shall receive the article of flour. Salary of keeper.

SEC. 5. *Be it enacted*, That the salary of Thomas Shelton shall be eight hundred dollars per annum. Thomas Shelton.

SEC. 6. *Be it further enacted*, That the Treasury Clerk of the Penitentiary shall pay to W. H. Wharton, for ministerial labors at the Penitentiary, such compensation as the Inspectors may direct. W. H. Wharton.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 94.

AN ACT to amend an act requiring the sale of land and slaves to be advertised in a newspaper.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed February 25, 1856, entitled, "An act requiring the sale of lands, or slaves, to be advertised in a newspaper," be so amended as *not* to require the sheriff, coroner, constable, clerk of

a court, commissioner appointed by a court, trustee, executor, administrator, guardian, or other person in this State, whose duty it shall be to sell any lands or negroes, under or by virtue of any execution, order, judgment, or decree of a court, deed of trust, mortgage, or assignment, or will, to advertise and publish such sale or sales, in a newspaper, except where there is a newspaper printed and published in the county, where such sale or sales shall be made, *Provided*, the court may order the publication of the notice; and then the notice may be given by printed advertisements, or through a newspaper.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 11, 1858.

CHAPTER 95.

AN ACT to establish the Sixteenth Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton, shall constitute a judicial circuit, to be known as the Sixteenth Judicial Circuit of this State.

Election for
Judge and Attor-
ney General.

SEC. 2. *Be it enacted*, That the sheriffs of the aforesaid counties shall, on the 4th Thursday of May, 1858, proceed to open and hold an election for circuit judge, and attorney general, as prescribed by an act passed January 5, 1854, entitled, An act to prescribe the manner of electing judges and attorneys general by the people.

Fees and salaries.

SEC. 3. *Be it enacted*, That the Judge and Attorney General of the Sixteenth Judicial Circuit shall have and receive the same salary and fees as are now allowed by law to circuit judges and attorneys general in this State; and should a vacancy occur in either of the said offices by death or otherwise the vacancy shall be filled as prescribed in the seventh section of an act passed January 5, 1854, above mentioned.

SEC. 4. *Be it enacted*, That the judges and attorneys general, acting as such in the aforesaid counties, shall con-

tinue to perform the duties of their respective offices until the Judge and Attorney General, provided for in this act, are elected and qualified.

SEC. 5. *Be it further enacted*, That the times of holding courts in said Sixteenth Judicial Circuit, shall be as follows:

At Sparta, in the county of White, on the 4th Mondays in January, May, and September, in each year.

At Dunlap, in the county of Sequatchie, on the 2d Mondays in February, June and October.

At Jasper, in the county of Marion, on the 3d Mondays in February, June, and October. Times of holding courts.

At Pikeville, in the county of Bledsoe, on the 4th Mondays in February, June and October.

At Montgomery, in the county of Morgan, on the 2d Mondays in March, July, and November.

At Huntsville, in the county of Scott, on the 3d Mondays in March, July, and November.

At Jamestown, in the county of Fentress, on the 4th Mondays in March, July, and November.

At Crossville, in the county of Cumberland, on the 3d Mondays of April, August, and December.

SEC. 6. *Be it further enacted*, That hereafter the circuit courts for the county of Overton shall be held on the 2nd Mondays in February, June, and October; and the circuit courts for the county of Jackson, shall be held on the 4th Mondays in February, June, and October.

SEC. 7. *Be it further enacted*, That the Judge of the Fourth Judicial Circuit shall, and it is hereby made his duty to hold the chancery courts in the counties of Putnam, and Cumberland, and shall have and exercise all the powers, rights, and privileges within said counties of Putnam and Cumberland, that the several Chancellors of this State now by law have. Judges have chancery jurisdiction.

SEC. 8. *Be it further enacted*, That the chancery courts at Cookville, in Putnam county, shall be held on the first Mondays in February, and third Mondays in September, in each year, and at Crossville, in Cumberland county, on the Thursdays next after the 1st Mondays of February and 3d Mondays in September, in each year. Chancery courts.

SEC. 9. *Be it further enacted*, That said Judge shall hold the chancery court at Cookville, on Fridays next af- Chancery Court at Cookville.

ter the second Mondays in July next, and forever thereafter as provided in this act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 12, 1858.

CHAPTER 96.

AN ACT to regulate the commissions of revenue collectors and county trustees.

Commissions. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the revenue collectors of the State and county taxes shall be allowed six per cent. upon all sums which they may collect and pay over, up to ten thousand dollars; and three per cent. upon all sums over that amount.

Shelby county bonds. SEC. 2. *Be it further enacted,* That it shall be lawful for the County Court of Shelby county, at any January, April, or July term of said Court, if they shall deem it best for the interest of the county, to purchase and pay off the time bonds issued by the county of Shelby, to aid in the construction of the Memphis and Ohio Railroad, to take the necessary steps to do so; *Provided,* a majority of the justices of the peace of said county are present and assent thereto, by levying a tax upon the taxable property and privileges by law, liable to taxation within said county, which tax shall be levied upon the principle of levying the State and county tax; which tax, for the purpose of purchasing of said bonds, shall not exceed, for any one year, the sum of thirty cents, on the one hundred dollars of property.

Levy taxes.

Railroad sinking fund. SEC. 3. The taxes herein authorized to be collected shall be termed the "railroad sinking fund tax;" they shall be collected by the same officer, who collects the State and county tax; they shall be paid over as directed by the County Court, and for the purpose of insuring the safety of said funds, the County Court of Shelby may appoint one or more agents to take charge of said funds and purchase said bonds, which shall be kept distinct from other county funds; they shall require a bond with adequate security from said agent or agents, payable to the Governor of Tennessee and his successors in office, for the use of the

county of Shelby; as fast as said county bonds are purchased they shall be delivered up to be cancelled, or pasted in a book to be kept for that purpose, properly disfigured or marked, to show that they have been paid.

SEC. 4. The officer collecting said sinking fund railroad tax, shall, at the time of collecting the same, issue a certificate to the tax payer, stating the amount of tax paid and for what purpose, and when said county of Shelby bonds shall have been fully paid, it shall be the duty of the County Court to deliver up the \$300,000 of certificates of stock issued by the Memphis and Ohio Railroad Company, to issue a like amount of stock to those holding certificates of having paid said sinking fund tax; *Provided*, That nothing herein contained shall be so construed as to alter or change existing laws providing for the collection of taxes to pay the same annual interest on said bonds; but the same shall remain as at present, or heretofore provided for by existing laws, until said time bonds and interest are fully paid.

To issue certificate.

SEC. 5. The County Court shall fix the salary of the officer collecting the special railroad tax, which shall not exceed two per cent. per annum, on the amount collected, and they shall be authorized if necessary to pay the agent for receiving the tax money and purchasing the bonds, such compensation as may be agreed upon.

Salary of officers.

SEC. 6. *Be it further enacted*, That so much of an act entitled, An act for the relief of the Memphis and Ohio Railroad Company, passed 29th day of January, 1858, as allows State aid to the Memphis and Ohio Railroad Company from Paris to the Tennessee River, granting State aid to the Memphis and Ohio Railroad Company between Paris and the Tennessee River, be and the same is hereby repealed.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 13, 1858.

CHAPTER 97.

AN ACT directory to clerks and assessors.

WHEREAS, Under the revenue laws of 1855-6, real estate was only assessed once in two years, and whereas, there was no provision in case of exchange of property

from one person to another, that it should be changed on the assessors roll, and whereas, there is great inconvenience and difficulty, growing out of said fact, and great injustice being done to parties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court clerks in the several counties in this State, or other persons making up the collectors books for 1858, be, and they are hereby authorized, upon legal proof being made to them of the change of real estate from one person to another, since the assessment, to set the land down to the real owner, when the change was made before the first day of January, 1858, at the value already fixed on it, and that all persons designing said change shall have 30 days from and after the passage of this act to have them made.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 98.

AN ACT to systematize, and prescribe the times of holding the circuit courts.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts shall be held as specified in the following schedule; the circuits being numbered, according to the Code :

FIRST CIRCUIT.

Hancock, fourth Mondays of January, May, and September.

Hawkins, Mondays after fourth Mondays of January, May, and September.

Greene, second Mondays of February, June and October.

Washington, fourth Mondays of February, June, and October.

Carter, first Mondays of March, July, and November.

Johnson, second Mondays of March, July, and November.

Sullivan, third Mondays of March, July, and November.

SECOND CIRCUIT.

Campbell, Mondays after the fourth Mondays of April, August and December.

Claiborne, second Mondays of January, May, and September.

Union, second Mondays of February, June, and October.

Grainger, fourth Mondays of April, August, and December.

Sevier, third Mondays of March, July, and November.

Cocke, first Mondays after fourth Mondays of March, July, and November.

Jefferson, second Mondays of April, August, and December.

THIRD CIRCUIT.

Monroe, second Mondays of January, May, and September.

Blount, fourth Mondays of January, May, and September.

Knox, second Mondays of February, June, and October.

Roane, first Mondays after fourth Mondays of February, June, and October.

Anderson, second Mondays of March, July, and November.

FOURTH CIRCUIT.

Bradley, first Mondays of January, May, and September.

Polk, third Mondays of January, May, and September.

Rhea, first Mondays of March, July, and November.

Hamilton, fourth Mondays of March, July and November.

McMinn, second Mondays of April, August, and December.

Meigs, fourth Mondays of April, August, and December.

Common Law Court at Chattanooga, third Mondays of February, June, and October.

FIFTH CIRCUIT.

Cumberland, first Mondays of January, May and September.

White, second Mondays of January, May and September.

Sequatchie, second Mondays of April, August and December.

Marion, third Mondays of April, August, and December.

Bledsoe, first Mondays of April, August, and December.

Morgan, third Mondays of February, June, and October.

Scott, second Mondays of February, June, and October.

Fentress, first Mondays of February, June, and October.

Overton, fourth Mondays of January, May, and September.

SIXTH CIRCUIT.

Jackson, fourth Mondays of February, June, and October.

Macon, third Mondays of March, July, and November.

Smith, fourth Mondays of March, July, and November.

Putnam, fourth Mondays of April, August, and December.

DeKalb, third Mondays of February, June, and October.

SEVENTH CIRCUIT.

Wilson, third Mondays of January, May, and September.

Cannon, second Mondays of February, June, and October.

Rutherford, second Mondays of March, July, and November.

Bedford, first Mondays of April, August, and December.

EIGHTH CIRCUIT.

Grundy, third Mondays of January, May, and September.

Van Buren, third Mondays of April, August, and December.

Warren, first Mondays of February, June, and October.
 Coffee, first Mondays of January, May, and September.
 Lincoln, first Mondays of March, July, and November.
 Franklin, fourth Mondays of March, July, and November.

NINTH CIRCUIT.

Davidson, second Mondays of January, May, and September.

Williamson, second Mondays of March, July, and November.

Sumner, third Mondays of February, June, and October. And the Judge of the Criminal Court at Nashville, shall hold said circuit court in Sumner.

TENTH CIRCUIT.

Montgomery, second Mondays of January, May, and September.

Robertson, second Mondays of February, June and October.

Cheatham, third Mondays of February, June, and October.

Dickson, fourth Mondays of February, June, and October.

Stewart, second Mondays of March, July, and November.

ELEVENTH CIRCUIT.

Maury, first Mondays of January and May, and fourth Mondays of August.

Marshall, second Mondays of February, June and October.

Lewis, third Mondays of March, July, and November.

Giles, first Mondays of April, August, and December.

TWELFTH CIRCUIT.

Wayne, fourth Mondays of January, May, and September.

Lawrence, first Mondays of February, June, and October.

Hickman, third Mondays of February, June, and October.

Perry, fourth Mondays of February, June, and October.

Decatur, first Mondays of March, July, and November.

McNairy, second Mondays of March, July, and November.

Hardin, fourth Mondays of March, July, and November.

THIRTEENTH CIRCUIT.

Benton, second Mondays of January, May and September.

Henry, third Mondays of January, May, and September.

Humphreys, third Mondays of March, July, and November.

Weakley, second Mondays of February, June, and October.

Carroll, first Mondays of January, and fourth Mondays of April and August.

FOURTEENTH CIRCUIT.

Madison, first Mondays of January, May, and September.

Haywood, fourth Mondays of January, May, and September.

Henderson, fourth Mondays of March, July and November.

FIFTEENTH CIRCUIT.

Tipton, first Mondays of January, May, and September.

Shelby, third Mondays of January, May, and September.

Fayette, second Mondays of February, June, and October.

Hardeman, fourth Mondays of February, June, and October.

SIXTEENTH CIRCUIT.

Lauderdale, third Mondays of January, May, and September.

Dyer, first Mondays of February, June, and October.

Obion, West of the Lake, third Mondays of February, second Mondays of June, third Mondays of October; Troy, fourth Mondays of February, June, and October.

Gibson, third Mondays of March, fourth Mondays of July, and third Mondays of November.

The Common Law and Chancery Court of the city of Memphis shall have three terms of the law side of said court, to commence on the first Mondays of March, July, and November, in each year, with power to hold special terms, either by adjournment, or by causing ten days' notice to be given by the Clerk, in two newspapers, printed in the city, specifying in notice the causes to be tried at such special term.

The Criminal Court of Memphis shall hold three terms a year, to commence on the second Mondays of February, June, and October, and continue its sessions so long as there may remain business on its docket undisposed of, or until it shall interfere with the terms of the Common Law and Chancery Court of the city of Memphis.

The Criminal Districts of Davidson, Rutherford, and Montgomery, shall hold three terms of said court, in each year, at Nashville, Clarksville, and Murfreesboro', the regular terms to be appointed and fixed by a standing order, on the minutes of said courts, to which all process running from term to term shall be returned; and said courts shall always be open.

No alteration made by this act in the times now prescribed by law for holding any of said courts shall take effect until after the first term of each court after the expiration of forty days from the end of the present session of the General Assembly.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

STATE DEPARTMENT. }
NASHVILLE, April 8, 1858. }

I, F. N. W. BURTON, Secretary of State, hereby certify that the foregoing is a true and perfect copy of the Public Acts of the session of the General Assembly of Tennessee, for 1857-8, and have been carefully compared with the original, now on file in my office.

F. N. W. BURTON, *Sec'y of State.*

2

B

C

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	Chap.	Sec.	Page.
Circuit Court in Hardin, time of holding changed,	31	1	41
Circuit Courts, systematized and times of holding prescribed,	98	1	110
Circuity of action in chancery courts prevented,	57	1	71
Corporations, municipal, to prevent abuses in,	7	1	4
County judge, act establishing repealed,	5	1	3
" " office created for Davidson, Shelby, Knox, Montgomery, and Williamson,	38	1	46
" " papers, warrants, &c., transferred to chairman of county court,	60	1	73
County Sequatchie established,	11	1	7
County line between Franklin and Grundy changed,	11	13	11
County line between Hardeman and McNairy changed,	11	14	11
County of Obion, Circuit Court provided, &c.,	13	4	14
County of Humphreys, attached to the Ninth Judicial Circuit,	13	8	14
Countries, act to collect debts against, amended,	15	1	15
County court may sell stock in railroads,	65	7	77
County line changed between Campbell and Scott, Fentress and Cumberland, DeKalb and Putnam,	36	1	44
County line changed between Grundy and Sequatchie, Jefferson and Grainger, Van Buren and White, DeKalb and Smith, Polk and Bradley, Wilson and Cannon, Rutherford and Coffee, Haywood and Madison, Anderson and Roane,	47	1	57
County lines, surveys to be made before changed,	83	1	91
County line between Monroe and Roane changed,	83	2	91
" " " Rhea and Bledsoe changed,	83	3	91
" " " Cumberland and Bledsoe changed,	83	4	92
" " " Marion and Grundy changed,	83	4	92
" " " Wilson and DeKalb changed,	88	8	92
" " " KeKalb and Smith changed,	88	9	93
County of Warren, new civil district,	83	5	92
County Court of Knox, criminal jurisdiction granted,	90	4	101
County Court of Shelby, may purchase and pay off railroad bonds,	96	2	108
Collecting officers, laws authorizing judgments by motion against, amended,	39	1	49
Collectors of railroad tax to keep duplicate receipts,	20	1	19
Commissioners of revenue appointed,	12	2	11
Commissioner of Railroads, duties defined,	30	1	37
Comptroller, times of being in East and West Tennessee fixed,	12	10	18
" " " " " "	33	4	43
Constitution, to provide for revising, amending, &c.,	76	1	84
Constable may serve subpoenas in certain cases,	29	1	37
" fees for levying, &c.,	34	1	43
Criminal causes to be kept in court and costs paid,	91	1	102
Criminal Court, judges of may interchange,	91	3	103
Criminal Courts of Tennessee, for the benefit of,	14	1	15
Criminal Laws of the State amended,	70	1	80
Commissioner of Roads, duties defined,	30	1	37
" amendment,	65	3	77
Clerks, fees of and commissions regulated,	51	1	61
Clerks and Masters to be furnished with reports of Supreme Court,	82	1	90
Clerks and Assessors, directory to,	97	1	109
Courts may appoint surveyor to lay off dower,	72	1	81
Counsel for poor provided,	58	1	72
Crop bound for rent,	52	2	65
Credit of State, act to preserve,	66	1	78

D

Davidson county, Judge provided for,	38	1	46
Dardis, George, compensated for waiting on the Supreme Court,	79	5	88
Debts against counties, act to collect amended,	15	1	15
Deaf and Dumb, and Blind, for the benefit of,	77	1	86

	Chap.	Sec.	Page
Dividends of insurance companies unclaimed,	87	1	95
Decedents' estates, distribution provided for,	92	1	103

E

Expenses, useless, in writs of error and appeals, prevented,	6	1	4
Extension of remedies in cases of sureties against principals, &c.,	19	1	19
Exemption of property from execution, reducing into one all laws upon the subject,	22	1	21
Equity jurisdiction granted to magistrates in certain cases,	56	3	70
Estates of decedents, distribution provided for,	92	1	103

F

Felony to carry false or skeleton keys concealed,	84	1	93
Fentress and Cumberland, line changed,	86	2	45
Fees of clerks and other officers regulated,	51	1	50
Fifteenth Judicial Circuit created,	13	1	13
Free persons of color, voluntary enslavement provided for,	45	1	55
Franklin and Grundy county line changed,	11	18	11
Foundrymen and Machinists, mechanics' lien extended to,	62	1	74

G.

Giving further time to protect Land Titles,	2	1	2
Grundy and Franklin county line changed,	11	18	11

H.

Hardeman and McNairy, county line changed,	11	14	11
Hardin Circuit Court, time of holding changed,	31	1	41
Hardin county, A. M. Craven, tax collector, relief of,	41	2	50
Henry Spencer, relief of,	40	1	49
Humphreys county attached to 9th Judicial Circuit,	13	8	14
Huntsville, Chancery Court established in,	9	1	6
“ “ “ causes may be moved to from James- town, Jacksboro' and Montgomery,	27	4	34
Hospital for the Insane, for the benefit of,	54	1	66

I.

Illegitimate Children, for the benefit of,	64	1	76
Incendiarism by Slaves, to punish,	18	1	18
Insane, Tennessee Hospital for, benefit of,	54	1	66
Individuals against the State, remedy for provided,	59	1	72
Insurance Companies, in relation to unclaimed dividends of,	87	1	95

J.

Jailors, for the benefit of,	40	2	49
Jamestown, Jacksborough and Montgomery Chancery Court, causes may be moved to Huntsville,	27	4	34
Judicial Circuit, Fifteenth created,	13	1	13
“ “ Sixteenth “	95	1	106
Jurisdiction over certain lands ceded to the United States,	1	1	1
Jurors, pay increased,	10	1	7
Justices of the Peace given equity jurisdiction in certain cases,	56	3	70
Judges and Chancellors, adjudication provided for in cases of incompetency,	90	1	101
“ of Criminal courts may interchange,	91	4	103

K.

	Chap.	Sec.	Page.
Keys, false or skeleton, felony to carry,	84	1	93
Kingston and Montgomery, time of holding Chancery Court fixed,	9	3	6
Knox county, when Sheriff to pay railroad tax,	33	5	43
“ “ office of County Judge created,	38	1	46
“ “ may regulate compensation of Sheriff for collecting R. R. tax,	65	2	76
“ “ Court, granted criminal jurisdiction,	90	4	101
Knoxville, branch Bank established at,	73	4	82

L.

Lands, rights of venders made more secure,	50	1	61
Land Titles, giving further time to protect,	2	1	2
“ sold for taxes, law in relation to amended,	69	1	80
Land and Slaves, law requiring sale of, to be advertised, amended,	94	1	105
Law Court at Chattanooga established,	23	1	23
Life Insurance Companies to pay tax,	33	1	42

M.

Magistrates given equity jurisdiction in certain cases,	56	3	90
Medical Fees secured in certain cases,	67	1	78
Memphis, branch Bank established,	73	4	82
“ and Ohio R. R. Co. act of Jan. 29, 1858, for the relief of amended,	96	6	109
Milldam, may be erected across Duck river below Columbia, Soam Waddle and Moses Moore directed how to build dam across Nol-lechucky,	49	1	60
Mills, steam, laws in regard to amended,	71	1	81
Military duty abolished,	32	1	41
McNairy and Hardeman, county line changed,	11	14	11
Mechanics' Lien given priority over Mortgages in certain cases,	24	1	26
“ “ extended to Foundrymen and Machinists,	62	1	74
Milk Sick, to protect stock from,	85	1	94
Mischief, wanton and malicious better prevented,	63	1	75
Montgomery and Kingston, time of holding Chancery Court fixed,	9	3	6
Monroe and Roane, line changed,	83	2	91
Montgomery county, office of County Judge created,	38	1	46
Municipal corporations, to prevent abuses in,	7	1	4
“ “ may hold real estate situate out of their limits,	28	1	35
Murfreesboro', election of Constable, vacancies in Board of Aldermen,	28	7	36

N.

Nashville and Chattanooga, Winchester and Alabama, and all lateral roads, for benefit of	8	1	5
--	---	---	---

O.

Obion county, Circuit Court provided, &c., &c.	13	4	14
--	----	---	----

P.

Patrols, 1st and 4th Sections of act establishing system, repealed,	3	1	2
Pay of Jurors increased,	10	1	7
Penitentiary, \$10,000 appropriated for repairs,	68	5	79
“ salaries of officers regulated,	93	1	105
Poor, counsel for provided,	58	1	72
Private individuals against the State, remedy provided for,	59	1	72

Proviso to 2d sec. of act '52, February 28, ch. 358, repealed,
Public Printing, an act on,
Public and Private acts, how printed,

Chap.	Sec.	Page.
87	1	45
17	1	18
17	1	18

R.

Railroad, for the benefit of Nashville and Chattanooga, Winchester
and Alabama, and all laterals,
Railroad tax collectors required to keep duplicate receipts,
" Companies to produce uniformity in reports and define
duties of Commissioners,
Same act amended,
Railroad tax of Knox, when Sheriff shall pay over,
Railroads, act to guard against accidents upon amended,
" directory to, as to time of stopping at intersections,
Railroad Companies may appropriate surplus State bonds to trest-
ling, &c.
Railroads, County Courts may sell stock in,
Railroad Companies failing to pay interest, penalties for,
" Company, Memphis and Ohio, act of 29th January, 1858,
amended,
Redemption Laws amended and construed,
Relief authorized by Courts of Law for persons exposed to the claim
of two or more adverse parties,
Rent due made lien on crop,
Revenue collectors, for the relief of,
" " commissions regulated,
Revenue Laws amended,
" " "
Rhea and Bledsoe, county line changed,
Roane and Monroe, " " "

8	1	5
20	1	19
30	1	37
65	3	77
38	5	43
44	1	54
48	1	59
65	6	77
65	7	77
66	1	78
96	6	109
46	1	57
56	1	70
52	1	64
61	1	73
96	1	108
12	1	11
33	1	42
83	3	91
83	2	91

S.

School for the Blind provided for,
Schools, free, act to prevent incompetent persons from teaching,
amended,
Scott and Campbell, line changed,
Sequatchie county established,
Sneedville, Chancery Court established,
Special administrations granted in certain cases,
Sheriff of Knox, when to pay railroad tax over,
Sheriffs, for the relief of,
Shelby county, office of County Judge created,
" " Court of, may purchase and pay off railroad bonds,
Sixteenth Judicial Circuit established,
Slaves hired, in relation to assessment of taxes upon,
" law in relation to punishment amended,
" and lands, law requiring sale of to be advertised, amended,
State lines between Tennessee and Kentucky, Commissioners ap-
pointed to re-mark,
State line between Tennessee and Virginia to be marked,
State Credit, an act to preserve,
Stock, to protect from Milk Sick,
Steam Mills, law in regard to amended,
Supreme Court, file of decisions to be furnished,
Supreme Court, reports of to be furnished Clerks and Masters,
Supreme Court, opinions to be published,
Surveyors to lay off dower, may be appointed by Courts,
Surveyors may qualify Commissioners to partition real estate,
Suspended Banks, resumption enforced, &c.,
Sureties against principals, remedies extended,

68	1	79
75	1	84
36	1	44
11	1	7
27	1	33
4	1	8
33	5	43
61	1	73
38	1	46
96	2	108
95	1	106
41	1	60
86	1	94
94	1	105
26	1	32
43	1	52
66	1	78
85	1	94
71	1	81
82	3	90
82	1	90
79	1	88
72	1	81
53	1	65
25	1	27
19	1	19

	Chap.	Sec.	Page.
Subpoenas, Constables may serve in certain cases,	29	1	87
Surplus State Bonds, issued to R. R. Cos., how they may be applied,	65	6	77
Sumner county, Clerk of, to be furnished with Yerger's Reports,	82	2	90
T.			
Taxes for county purposes, when to be levied,	12	11	13
Tax collectors for railroads required to keep duplicate receipts,	20	1	19
Taxes, to secure the collection of,	85	1	44
" sale of lands for, law in relation to amended,	69	1	80
" in incorporated towns regulated,	80	1	89
Tax Statements, returns by Clerks of County Courts enforced,	89	1	100
Tennessee and Kentucky line, Commissioners appointed to re-mark,	26	1	32
Tippling Law re-established,	16	1	17
Timber on the line of railroads protected,	65	5	77
Trustees may resign or be given up in certain cases,	74	1	83
" County, commissions regulated,	96	1	108
U.			
United States, jurisdiction over certain lands ceded to them,	1	1	1
V.			
Van Buren county, Circuit Court, time of holding changed,	27	5	34
Venders of lands, rights made more secure,	50	1	61
W.			
Warren county, new civil district,	83	5	92
Weights and Measures, supplementary to act to regulate,	55	1	66
Williamson county, office of County Judge created,	88	1	46
Winchester and Alabama and all lateral railroads, for the benefit of,	8	1	5
Writs of Error, useless expenses in prevented,	6	1	4
Wharton, W. H., compensated for ministerial labors in the Penitentiary,	93	6	105

PRIVATE ACTS

OF THE STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE THIRTY-SECOND GENERAL
ASSEMBLY, FOR THE YEARS 1857-8.

TABLE OF CONTENTS.

APPROPRIATION.

	Page.
An act to defray the expenses of the General Assembly of the State of Tennessee, with the report of the Committee on Finance,	360

AGRICULTURAL.

An act for the benefit of the Agricultural Bureau, and for other purposes,	44
An act providing suitable compensation to the Committee created by the act passed February 18, 1856, for the purpose of selecting suitable Fair Grounds for the Agricultural Bureau,	3

BANKS AND BANKING.

An act to give Sequatchie county a Director in the Branch Bank of Tennessee at Sparta; and to give Cheatham county a Director in the Branch Bank at Clarksville,	336
--	-----

THE BAR.

An act to abolish certain privileges, and to confer certain equal rights upon members of the bar and their clients in Middle Tennessee,	345
---	-----

BLIND.

An act to incorporate an Auxiliary Board to Publish Books for the Blind,	413
--	-----

BUILDING AND LOAN ASSOCIATIONS.

An act supplemental to an act incorporating the Memphis Building and Loan Association Company, passed February 1, 1854, to amend the charter of the Mechanics' Loan Association of Nashville, the City Building Association of Nashville, and the Nashville Building Association,	157
---	-----

CITIES AND TOWNS.

An act to repeal certain provisions in the acts regulating the city of Chattanooga,	19
An act to amend the charter of the city of Knoxville; to incorporate the town of Manchester, in Coffee county; to amend the charter of the city of Memphis; to amend the charter of the town of McMinnville; and to amend the second section of an act passed February 28, 1856, chap. 133, entitled An act to provide for the election of a Justice of the Peace in the town of Rome,	103
An act to amend the acts incorporating the city of Knoxville, establishing a voting place in East Knoxville, and authorizing a Constable; and establishing a voting place at Pearce's Mills, in Rheatown; and to extend the corporate limits of Maryville, in Blount county,	130

CEMETERIES.

An act to incorporate Marshland Cemetery, in Coffee county; Poplar Grove Male High School, in Williamson; and the town of Cainsville, in the county of Wilson,	140
--	-----

II.

CONTENTS.

CHURCHES.

	Page.
An act to incorporate the Presbyterian Church, "St. Paul," in Jefferson county; and to incorporate the church of the United Brethren in Christ,	121
An act to incorporate the Cumberland Presbyterian Church, at Bear Creek, in the county of Marshall, and for other purposes,	189
An act to incorporate the Young Men's Christian Association of Nashville; and to incorporate the First Baptist Church in the city of Nashville,	234
An act to incorporate the Holston Presbytery; to repeal the act passed February 25, 1856, chap. 79, to amend the charter of the Tennessee Female College; to incorporate the Protestant Episcopal Church of the Advent; to incorporate the Christianburg United Baptist Church; to incorporate the Edgefield Cemetery; to incorporate the Wardens and Vestrymen of Christ's Church; and to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Tennessee,	333

CIRCUIT COURTS.

An act providing the time and place of holding the Circuit Court of Cheatham county, . . .	1
An act to change the time of holding the Circuit Court in the counties of Decatur, Haywood, Davidson, Putnam, and Lauderdale; and to amend the 15th section of an act passed 28th February, 1856, chap. 192, establishing the county of Cheatham; and to establish the 4th and 14th Civil Districts, in Hamilton county, a separate Chancery District, . . .	186
An act to supply the Circuit Court Clerk's office of Sevier and McMinn counties with the reports,	253

CLARKSVILLE.

An act to promote Common School Education in the city of Clarksville, **133**

CHANCERY COURTS.

An act to change the time of holding the Chancery Court at Shelbyville, in the county of Bedford; to change the time of holding the Circuit Court in the Seventh Judicial Circuit; to establish a Chancery Court at Ashland, in the county of Cheatham; to establish a Chancery Court at the town of Crossville; to change the time of holding the Chancery Court in the town of Centerville, in the county of Hickman; and to change the time of holding the Chancery Court at Bolivar,	219
An act to establish a Chancery Court at Maynardsville, Union county,	344

CODE.

An act to provide for printing the Revised Code, and to compensate the Revisors, and for other purposes, - 411

COUNTIES AND COUNTY LINES.

An act to ascertain the sense of the voters of Tipton county, concerning the removal of the Seat of Justice from Covington to the centre of said county,	2
An act to establish certain Civil Districts in Hamilton county, and for other purposes,	5
“ “ the Fourteenth Civil District in Hickman county, and for other purposes,	22
“ “ two Civil Districts in the county of Sullivan; and to establish an additional district in the county of Dickson, and the Thirteenth District in Overton county; and to provide for opening the polls in each ward in the city of Memphis,	52
An act to change the place of comparing the polls for Joint Representative for the counties of Scott, Morgan and Fentress, and for other purposes,	906
An act to authorize the election of an additional Constable in the Tenth Civil District of Lincoln county, and for other purposes,	311
An act for the benefit of Sequatchie county,	316
An act to consolidate the office of Surveyor and Entrytaker in the counties of Lawrence, DeKalb, White, Macon, Grundy, Decatur, Humphreys, and Wilson,	321
An act to change the line between the counties of Morgan and Scott; to change the line between Monroe and McMinn; to change the line between the counties of Wayne, Decatur, and Hardin; to change the line between the counties of Roane, Anderson and Morgan; Maury and Hickman; Van Buren and Bledsoe; and to change the line between DeKalb and Putnam,	324
An act to organize the county of Powell under the act of 1853-4,	350
An act to ascertain the will of the people of Tipton county, as to the removal of their Seat of Justice, and for other purposes,	384
An act to allow the citizens of Van Buren county to file bills in McMinnville, Tennessee, and for other purposes,	399
An act for the relief of Cheatham county,	402
An act to authorize the election of an additional Justice of the Peace in the Tenth Civil District in Blount county,	403

COUNTY COURTS.

An act directory to the County Court of Davidson county, 362

COMPTROLLER.

An act directory to the Comptroller of the Treasury,	.	.	.	.	.	21
" " " " " "	.	.	.	.	.	359
An act further prescribing the duties of the Comptroller,	.	.	.	.	.	374

CONTENTS.

III.

DEAF AND DUMB, AND HOUSE OF INDUSTRY.

	Page,
An act to provide an annual sum for the support of the State Institution for the education of the Deaf and Dumb, and to give three hundred dollars worth of furniture to the Nashville House of Industry,	410

EDUCATIONAL INSTITUTIONS.

An act to incorporate Byrd's Commercial College at Memphis,	10
An act to charter Chapel Hill Academy; Winston Male Academy; Winchester Female Seminary; Mary Sharpe College, at Winchester; New Castle Female Institute, in Hardeman county; Bluff Springs Seminary, in Gibson county; and Huntington Masonic Female Institute, at Huntington; and to amend the charter of the Dresden Female Academy,	27
An act to establish the University of the South,	36
" Central University of the General Conference of the Methodist Episcopal Church, South,	41
An act to incorporate Morrestown Female Academy, and Duck River Male Academy; and to amend the charter of the Boon's Creek Male and Female Institute; and to incorporate the Union Institute,	46
An act to change the name of Hanner High School, in Warren county, and for other purposes,	92
An act for the benefit of Nourse Seminary,	94
An act to incorporate the Bols De Arc Seminary, at Elm Springs, in Robertson county; and Mount Pleasant Female Academy,	94
An act to incorporate the Trustees of McCain's Academy, in the county of Maury, and Columbia Athenaeum,	115
An act to incorporate the Shelby Military Institute,	124
" Mt. Carmel Academy, in the county of Williamson, and for other purposes,	207
An act to amend the charter of Bethel College, and for other purposes,	209
An act to incorporate Spring Hill Academy, in the county of White, and for other purposes,	217
An act to incorporate the Ripley Female Institute; the Lauderdale Female Institute; the Durhamville Male Academy; the Beech Grove Academy; and to amend the charter of the Jasper Female Institute,	296
An act to charter Mt. Horeb Academy, in Lauderdale county; Clarksburg Female Academy; Milton Seminary, in Rutherford county; and the Polymonian Society of Madison College, Spring Creek,	245
An act to incorporate the Covington Female Seminary; Cave Creek Seminary; Philomathian Society of Cany Creek College; and the Columbian Society of Mossy Creek College, and for other purposes,	248
An act to incorporate the Lewisburg Masonic Female Institute, at Lewisburg, in the county of Marshall, and for other purposes,	259
An act to incorporate Turner M. Lawrence College, at Alexandria, De Kalb county, and for other purposes,	284
An act to incorporate Clifton Masonic Academy; Station Camp Academy; and Cumberland Lodge No. 8, of Free and Accepted Masons, in the city of Nashville,	298
An act to charter the New Market Medical Society; for the benefit of Floral Mount Female Academy; to incorporate Lebanon Lodge, No. 98, of Free and Accepted Masons; to charter the Caledonia Academy, in Henry county; to amend the charter of the incorporation for Springfield, in Robertson county; and of Kingston, in Roane county, and for other purposes,	337
An act to establish the Chattanooga Normal Academy of Music; to incorporate the Nashville German Harmonia Dramatic Society; the Bascom Rhetorical Society of Andrew College, and for the benefit of the Trustees of Lawrence Academy, in the town of Woodbury, and for other purposes,	377

ENTRIES.

An act so make good certain entries South and West of the Congressional Reservation Line, and to prevent litigation,	409
--	-----

ESCHEATS.

An act granting relief against Escheats in certain cases,	112
---	-----

FIRE COMPANIES.

An act to amend an act to incorporate Invincible Fire Company No. 5, of Memphis, passed December 5, 1853,	263
An act to incorporate Relief Fire Company No. 7, in the city of Memphis; the Nashville, Memphis, Clarksville, Knoxville, and Chattanooga Fire Police, and for other purposes,	355

FLOUR.

An act for the Inspection of Flour in Nashville and Clarksville, and the Landings adjacent thereto,	346
---	-----

GAS LIGHT COMPANIES.

An act to amend the charter of Gas Light Company of the city of Memphis; and to incorporate the Gas Light Company of the city of Clarksville,	353
---	-----

HERMITAGE.		Page.
An act to amend the third section of an act passed February 11, 1856, entitled An act to purchase the Hermitage,		113
HOSPITALS.		
An act to provide an annual sum for the support and maintenance of the Memphis Hospital,		348
An act to amend an act incorporating the Widows' and Orphans' Asylum of the city of Memphis, passed February 12, 1852, chap. 270,		351
INSURANCE.		
An act to incorporate the Bluff City Insurance Company of Memphis, and for other purposes,		383
INDIVIDUALS.		
An act for the benefit of John W. Hoodenpile, Aaron Balenger, John Sharp, George Moser and George Akens,		128
An act to authorize the State of Tennessee to pay John Blair, James Johnson, and others, certain moneys,		174
An act for the benefit of R. B. Gilbert and S. T. Turner,		185
" " " Benj. Wright and Robt. L. Smith,		241
" " " Henry C. Angel and securities,		242
An act for the relief of Calvin Adkins, of the county of Anderson; for the benefit of the county of Hamilton; and for the benefit of John Humphreys, of Carter county,		296
An act for the benefit of the widow of Hon. A. M. Savage,		303
" " " James and Kelly, and E. G. Haley, Trustees of Cumberland county,		310
An act for the relief of Dr. Wm. C. Bruce, late Trustee of Haywood county, and for other purposes,		322
An act for the relief of citizens of Sevier county, and for other purposes,		323
An act for the benefit of F. M. Boyd and Lewis M. Luttrell; and to change the line of Lewis county,		343
An act for the relief of Joseph R. Simpson and others, citizens of the county of Washington, and for other purposes,		348
An act for the relief of James Carter and others,		352
An act for the benefit of Wm. B. Bate,		391
An act for the benefit of James C. Luttrell, and for other purposes,		416
An act for the relief of Philip M. Kiser,		39
LITERARY ASSOCIATIONS.		
An act to incorporate St. Peter's Literary Association, in the city of Memphis,		129
An act to amend an act passed March 2, 1854, entitled an act to incorporate the Mechanics' Library Association of Fayetteville; and to reduce the several acts incorporating the town of Jackson into one act, and to amend the same; to charter the Mechanics' Institute and Library Association of Knoxville; to amend the charter of the Mechanics' Institute and Library Association of the State of Tennessee; to change the name of the Shelby General Insurance and Trust Company of Memphis,		159
MEDICAL.		
An act to incorporate the East Tennessee Medical Society, and for other purposes,		297
MECHANICS' INSTITUTE.		
An act for the benefit of the Mechanics' Institute and Library Association of the State of Tenn.,		375
An act for the relief of Anna Maria, Executrix of Dr. Boyd McNairy, deceased,		45
MEMPHIS.		
An act incorporating the Memphis City Schools,		400
MILL DAMS.		
An act to authorize Soam Waddle and Moses Moore to build a mill dam across Nola Chucky river,		6
MILLING, MINING AND MANUFACTURING.		
An act to amend an act entitled An act to incorporate the Aetna Mining and Manufacturing Company, and for other purposes, passed March 2, 1854; and to amend the act passed January 26, 1856, incorporating the Chattanooga Packing and Milling Company,		122
An act to incorporate Athens Manufacturing Company; the Huntington Manufacturing Company; the Rio Milling and Manufacturing Company of Bedford county; the Lauderdale Manufacturing Company; and the Farmers' Manufacturing Company in Roane county, and for other purposes,		286
An act to incorporate the Covington Steam Mill Company,		312
An act to incorporate the New Jersey Copper Company of Tennessee, and the East Tennessee Iron and Coal Company, and for other purposes,		318
An act to incorporate the Fork Creek Lead and Silver Mining Company of Tennessee, and for other purposes,		369

CONTENTS.

V.

NAVIGATION.

An act to amend the Navigation Laws of Forked Deer river, for steamboats,	.	.	.	Page.
" incorporate Linwood Landing Company,	.	.	.	11
				23

NASHVILLE.

An act to repeal the 3d and 4th sections of an act, entitled An act to amend the charter of the city of Nashville, passed February 23, 1856.	-	-	-	-	-	145
An act to amend the charter of the Nashville Coal Company,	-	-	-	-	-	345

NOMENCLATURE.

An act to change the name of Wm. Hays,	-	-	-	-	-	-	7
“ “ “ Robt. Livingston Allen,	-	-	-	-	-	-	9

RAILROADS.

An act to amend an act passed Feb. 20, 1856, entitled "An act to amend the charter of the Nashville and Cincinnati Railroad Company, and the acts amendatory thereto, and for other purposes,"	18
An act in relation to the Chattanooga, Harrison, Georgetown and Charleston Railroad Co.,	26
“ to incorporate the Tennessee Valley, Georgia and Selma Railroad,	48
An act to give the Memphis, Clarksville and Louisville Railroad Company, the further time of two years to bring themselves within the provisions of an act passed 11th of February, 1852, entitled "An act to establish a system of Internal Improvements in this State, and the acts amendatory thereto,"	55
An act for the relief of the Memphis and Ohio Railroad Company,	67
And act to charter the Greenville and North Carolina Railroad Company, to amend the charter of the Edgeville, Unionville and Shelbyville Turnpike Company, and to incorporate the Mississippi River Railroad Company, and for other purposes,	68
An act to release the State from certain liabilities, and for the benefit of the Central Southern Railroad Company,	93
An act to consolidate the Memphis and Ohio, and Memphis, Clarksville and Louisville Railroad Company,	100
An act for the benefit of the Railroad running from Chattanooga to Cleveland,	123
An act to incorporate the Virginia, Tennessee and North Carolina Railroad Company, and for other purposes,	126
An act to construe the law in regard to the Cincinnati, Cumberland Gap and Charleston Railroad Company, and to change the name of the South Carolina, Tennessee and Kentucky Railroad Company,	171
An act to charter the Cleveland and Ducktown Railroad, and to amend the charter of the Look-out Turnpike Company,	197
An act for the benefit of the Rogersville and Jefferson Railroad,	199
An act to consolidate the Nashville and Northwestern, and the Memphis, Clarksville and Louisville Railroad Companies, and for other purposes,	205
An act to amend an act entitled "An act to charter the Northwestern Railroad Company, and other acts amendatory thereto,"	301
An act to extend time to the Knoxville and Charleston, and the Southwestern Railroad Companies; to extend time to the Tennessee, Western and Charleston Railroad Companies; to revive the charter of the Atlantic, Tennessee and Ohio Railroad Company; and to amend the charter of the Tennessee and Alabama Railroad Company, and for other purposes,	336
An act for the benefit of the Memphis and Charleston Railroad Company,	358
“ “ “ Central Southern Railroad, and for other purposes,	362
An act to amend the charter, and several acts amendatory thereto, passed by the Legislatures of Tennessee and Kentucky, incorporating a Company to construct a Railroad from the city of Louisville to the city of Nashville,	386
An act for the benefit of Railroad Tax Collectors, and for other purposes,	399

REVENUE.

An act to collect the Revenue of Lauderdale county, 27

REGISTERS.

An act to authorize the Register of East Tennessee to transcribe certain Record Books, and for other purposes,	98
An act to authorize the Register of the Land Office, at Nashville, to perform certain duties of the Secretary of State, and for other purposes,	376

ROADS.

An act to keep up Public Roads, by taxation, in Lauderdale county, and for other purposes, - 328

SECURITIES.

An act for the relief of the securities of James Tidwell,	7
“ “ “ Andrew Johnston, late Sheriff of Lewis county,	342
“ “ further relief of the securities of W. B. Holden, late Sheriff of Marshall county, and for other purposes.	407

SHERIFFS.

	Page
An act to authorize the Sheriffs of Cumberland, Cocke, Hamilton and Madison counties, to appoint additional deputies, and for other purposes,	369

SOCIETIES.

An act Incorporating the Memphis Christian Advocate and Book Depository Association, and Inebriate Reform Society, of Knoxville,	391
--	-----

TELEGRAPH COMPANIES.

An act to charter the East Tennessee Telegraph Company, and the Paducah and Nashville Telegraph Company,	173
An act to incorporate the Memphis and New Orleans Telegraph Company,	39
“ amend an act regulating the qualifications of School Teachers,	170
“ incorporate the Franklin Typographical Union, and to amend the act of Feb. 25, 1856,	281

TOWNS.

An act to amend the act incorporating the town of Somerville,	25
“ charter the town of Spring Creek, to amend the charter of Alexandria, and to amend the act incorporating the town of Harrison,	56
An act to incorporate Rheatown, in the county of Green; to amend the corporation laws of Murfreesboro; to change the lines of the town of Campbellsville; to amend the acts incorporating the town of Lynnville, in Giles county; to extend the corporate limits of the town of Fayetteville, in Lincoln county, and to amend the charter of the town of Mt. Pleasant,	96
An act to incorporate the town of Tullahoma, in the county of Coffee,	118
“ amend an act passed 29th October, 1819, ch. 111, entitled An act to incorporate the inhabitants of the town of Carthage, in Smith county; and to amend an act passed March, 1854, entitled An act to incorporate the Etna Mining and Manufacturing Company, and for other purposes,	135
An act to incorporate the town of New Providence, in Montgomery county; and Normandy, in Bedford county; and to incorporate the inhabitants of Fall Branch, in the county of Sullivan; and to incorporate the town of Clarksburg, in the county of Carroll; and to establish a new Civil District in East Knoxville; and to amend an act entitled An act to reduce the several acts incorporating the town of Nashville, into one act, and to amend the same, passed January 31, 1848,	145
An act to incorporate the town of Huntsville, in the county of Sumner, and for other purposes,	160
An act to establish a Mayor's Court in the towns of Shelbyville, Lebanon and Fayetteville, and to amend the charter of the city of Memphis, and to give to the Mayor and Aldermen of the town of Jonesboro' certain powers,	168
An act to incorporate the town of Goodlettsville, the town of Smithville, the town of Bellbuckle, the town of Wartrace, and for other purposes,	191

TURNPIKES.

An act to amend the charter of the Franklin and Stone's River Turnpike Company, passed 3d February, 1838,	4
An act to amend an act passed Feb. 26, 1856, chapter 204, p. 389, (Memphis and Germantown Turnpike Company,)	6
An act to amend the 3d sec. of an act passed 30th of February, 1856, ch. 141, (Stone's River and Statesville Turnpike Company,)	11
An act to amend the charter of the Shelbyville and Fayetteville Turnpike Company,	12
An act to incorporate the Lebanon and Lowe's Ferry Turnpike Company, and for other purposes,	13
“ “ Davidson and Wilson County “	16
“ amend the charter of the Jackson, Somerville and Memphis Turnpike Company,	25
An act to authorize the building of the Mt. Pleasant and Hampshire Turnpike Road; to incorporate the Beersheba Springs and Tracy City Turnpike Company; to incorporate the Statesville and Cainsville Turnpike Company; to revive the charter of the Spring Hill and Lewisburg Turnpike Company, and for other purposes,	59
An act to amend the charter of the Nashville, Murfreesboro' and Shelbyville Turnpike Company; and to extend the time of completion of the Fayetteville, Mulberry and Lynchburgh Turnpike Road; and to amend the charter of the Blountville, Middletown and Elizabethtown Turnpike Company; granting further time to the McMinnville and Sparta Turnpike Company to begin their work; and for other purposes,	113
An act giving John G. Simpson, L. D. Simpson and Daniel Simpson, the further time of two years to complete their Turnpike; and to revive the act of the 16th January, 1844; granting a charter of a Turnpike Road to Abner Phillips; and for other purposes,	132
An act to amend the charter of the Lewisburg and Mooresville, the Lewisburg, Cornersville and Pulaaki, and the Gallatin Turnpike Companies; to incorporate the Charlotte and Harpeth Turnpike Company, and for other purposes,	151
An act to incorporate the Gainsboro' and Doc Creek Turnpike Company, the Springfield and Port Royal Turnpike Company, and to amend the charter of the Carthage and Hartsville Turnpike Company, and to incorporate the Hamner's Mill Bridge Company, and to amend the Tullahoma, Lynchburg and Fayetteville Turnpike Company, and to incorporate the Indian Grave Gap Turnpike Company, and the Springfield and Kentucky Turnpike Company, and for other purposes,	175
An act for the benefit of the Columbia and Campbellsville Turnpike Company,	188

CONTENTS.

vii.

	Page.
An act to incorporate the Memphis and Big Creek Turnpike Company; to extend the charter of the Rome and Carthage Turnpike Company; and to amend the charters of the Murfreesboro' and Manchester Turnpike Company, and of the Murfreesboro' and Wilkinson's Cross Roads Turnpike Company, and to incorporate the Hartsville and Puryear's Ferry Turnpike Company, and to amend the charter of the Montgomery Turnpike Road; and for other purposes,	900
An act to incorporate the Thompson and Bethesda Turnpike Company, and to incorporate the Franklin and Triune Turnpike Company,	914
An act to amend the act passed January 27, 1850, entitled An act to incorporate the Franklin and Carter's Creek Turnpike Company, and for other purposes,	923
An act to incorporate the Mount Pleasant and Big Bigby Turnpike Company, and for other purposes,	936
An act to extend the charter granted to Jesse Lincoln and William Ussery to open a Turnpike road from Sparta, in White county, to Liberty, in DeKalb county, passed October 11, 1832; and an act amendatory thereto, vesting the same rights to Thomas C. and Russell Marchbanks, passed January 31st, 1840, and for other purposes,	939
An act to incorporate the Pulaski and Pisgah Turnpike Company, and the Richland Valley, Cornersville and Lymnville Turnpike Company,	942
An act to incorporate the Marshall Central Turnpike Company, and for other purposes,	953
An act to charter the Tellico and Valley River Turnpike Company, and for other purposes,	963
" " " Alexandria and Smith's Fork Turnpike Company, and for other purposes, Prospect Turnpike Company; and the McMinnville and Beersheba Springs Turnpike Company, and to amend the act passed the 25th February, 1852, incorporating the Murfreesboro and Liberty Turnpike Company, and for other purposes,	974
An act to amend the charter of the Columbia Central Turnpike Company, and for other purposes,	983
An act to amend the charter of the Columbia Central Turnpike Company, and for other purposes,	987
An act to authorize Robert Allen, of Green county, to open a Turnpike road; to amend the charter of the Owen and Winstead Turnpike Company, and for other purposes,	971
An act to amend the charter of the White Plains Turnpike Company, and the act of March 2, 1854, amendatory thereto,	997
An act to incorporate the Woodford and Turnersville Turnpike Company, and the Brown's Creek and Robertson Academy Turnpike Company, and the Rockwood Turnpike Company,	1002

TREASURY.

An act to correct a mistake in the payment of moneys into the State Treasury, - - -	354
An act for the benefit of H. K. Walker and others, clerks, - - -	20

WEDLOCK.

An act to legalize the marriage between Frederick R. Smith and Martha P. Dinkins, and to legalize their children, and for other purposes,	35
An act to incorporate the Yellow Springs Company.	155

RESOLUTIONS.

Joint Resolution to instruct our Senators in Congress and request our Representatives to aid in the passage of a bill, granting a pension to the soldiers of the war of 1812, and of the various Indian wars,	419
Requesting our Senators and Representatives in Congress to aid in the passage of a law, giving to the old soldiers in the war of 1812, six hundred and forty acres of the public domain,	420

ACTS AND JOURNALS.

Providing for the number of Acts and Journals of the Legislature of 1857-'8, to be printed for distribution among the several counties of this State.	419
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HOMESTEAD.

Instructing our Senators and requesting our Representatives in Congress, to aid in the passage of a bill, giving to each of the resident citizens of the United States, a homestead of 160 acres of the public lands of the United States, 133

BANK OF EAST TENNESSEE, &c.

Directing the Attorney General to institute judicial proceedings against the Miners' and Manufacturers' Bank, and the Farmers' and Merchants Bank, 429

PENITENTIARY.

To raise a Committee on the State Prison, 423

NATIONAL POLITICS.

Joint resolution, 123

POSTAL LAWS.

Instructing the delegates from Tennessee in relation to the Postal laws, 425

VIII.

CONTENTS.

	Page.
CHEROKEE INDIANS.	
In relation to the execution of the treaties of 1817 and 1819, with the Cherokee Indians, by making provision for the extinguishment of the rights, in fee simple, to the children, and reservation of dower to the Widows, of the heads of families, taking reservation under the same,	425
COMMITTEE ON CODE.	
Complimentary,	427
MAPS AND PLATS.	
As to the Maps and Plats in the office of the Secretary of State,	428
GOVERNOR AND COMPTROLLER.	
Directory to,	428
LARKIN CARDIN.	
Resolution appointing Commissioners,	429
HISTORICAL SOCIETY.	
In relation to,	429
STATE LIABILITY.	
Committee on, raised,	430
LIBRARIAN.	
Directory to,	430
TREASURER.	
Directory to,	431
SECRETARY OF STATE.	
Directory to,	431
To pay Committee to examine books of Comptroller and Secretary of State,	432
Directory to Meigs and Cooper,	432

PRIVATE ACTS
OF THE
GENERAL ASSEMBLY

OF THE
STATE OF TENNESSEE,
PASSED AT THE SESSION OF 1857-8.

CHAPTER 1.

AN ACT prescribing the time and place of holding the Circuit Courts of Cheatham County.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the 14th section of an act passed 28th February, 1856, entitled, An act to establish Cheatham county, as requires the Circuit Courts of said county to be held at the house of L. A. Purdue, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the Circuit Courts of said county be held at the Sycamore Mills, or such other place as the Judge of said Court shall think proper, until the court house of said county shall be completed, and then the courts shall be held at the court house of said county; and the courts shall be held on the third Mondays in February, June, and October, in each and every year, with power on the part of the Judge of said Court, to change the times of holding said courts, either permanently or temporarily, to suit his or the public convenience.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed October 14, 1857.

CHAPTER 2.

AN ACT to ascertain the sense of the voters of Tipton County; concerning the removal of the seat of justice from Covington to the centre of said County.

WHEREAS, A memorial from six hundred and eighty-three voters of Tipton county has been presented, praying that a law might be passed, to remove the seat of justice from Covington to the centre, or near as a suitable location can be obtained, to take effect after an election had been held in said county to ascertain the will of the voters of said county on this subject; and whereas, in order more fully to ascertain the sentiments of the citizens of said county on this question, and to obtain an unmistakable expression of the opinion of the voters of said county concerning the removal of the seat of justice from Covington to the centre, therefore,

Election.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Sheriff of Tipton county, after giving twenty days' notice in writing, to be posted up at all the voting places in said county, to open and hold an election at the several places of voting in said county, on the 26th day of November, 1857, where and when all persons constitutionally entitled to vote for county officers, may vote for the place where the seat of justice of Tipton county is to be located, namely, whether it shall remain at Covington or be removed to the centre, or as near the centre of said county, as a suitable location can be obtained.

Sheriff to make return.

SEC. 2. *Be it enacted*, That at said election the town of Covington and the centre shall be put in nomination, for the seat of justice of said county; and all those voting for Covington to remain the seat of justice, shall write on their ticket the word "Covington," and all those voting for the removal of the seat of justice to the centre of said county, or as near the centre of said county, as a suitable location can be obtained, shall write on their ticket the word "Centre," and after counting out and comparing all the votes given for and against the removal of the seat of justice in said county, it shall be the duty of the Sheriff of said county to make a true and perfect return of said election to the Secretary of State, within fifteen days after the day of said election; and it is hereby made the duty of the Secretary of State to report the same to the General Assembly, as soon as practicable, to operate as an expression of the will of said county to that body in their action, on the subject of removing the seat of justice from Covington to the centre.

Sec. 3. *Be it enacted*, That it shall be the duty of the County Court of Tipton county, on the first Monday in November, 1857, to appoint judges of such election in such manner and with such powers as judges are appointed of other elections in this State.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed October 20, 1857.

CHAPTER 3.

AN ACT providing proper compensation to the Committee created by the act passed February 18, 1856, for the purpose of selecting suitable Fair Grounds for the Agricultural Bureau.

WHEREAS, By an act passed February 18, 1856, to amend an act entitled, An act to establish a State Agricultural Bureau, a committee was appointed out of the last General Assembly of the State of Tennessee, consisting of five; three on the part of the House, and two on the part of the Senate, appointed respectively by the Speakers of each body, to select and purchase suitable Fair Grounds for the State Agricultural Bureau; and whereas, the last General Assembly failed to make provision for the payment for services rendered by said committee, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the committee appointed under an act of the last General Assembly, passed February 18th, 1856, to purchase Fair Grounds for the Tennessee Agricultural Bureau, be paid out of any moneys in the Treasury, not otherwise appropriated, mileage and per diem at the same rates that members of the General Assembly are paid.

Sec. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed October 28, 1857.

CHAPTER 4.

AN ACT to amend the charter of the Franklin and Stone's River Turnpike Company, passed the 3d of February, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act entitled, "An act to incorporate the Franklin College and Stone's River Turnpike Company," passed February 3d, 1848, be, and is hereby so amended that the capital stock of said Company shall or may be increased to one hundred and fifty thousand dollars, and that said Company may continue their road to the town of Liberty, in DeKalb county, or to some turnpike leading to Liberty, passing through or near Statesville.

SEC. 2. *Be it further enacted*, That the directors of said Company may be increased to nine; any five of whom shall constitute a quorum to do business.

Toll gates.

SEC. 3. *Be it further enacted*, That the gate on the first five miles of said road may be placed at any point the directors may select; and so soon as said road is made to cross Stone's River, a distance of about eight miles, with a substantial bridge across the river, and the further distance of two miles opened to travel, a second toll-gate may be erected; and for every additional section of five miles completed, a toll-gate may be erected.

SEC. 4. *And be it further enacted*, That said road may be built by sections of five miles, and the subscribers for stock in said Company, may become stockholders in any one or more sections of five miles, without becoming stockholders in the whole line of said road; and they shall be entitled to all the tolls received on the sections in which they may be stockholders, and shall keep the same in good repair as provided in the charter—but the whole line of road and all the affairs of said Company shall be under the direction and control of said directors.

W. H. Gay & Co.
Printed and bound by J.

SEC. 5. *Be it further enacted*, That William H. Guy & Co., in the county of Obion, shall have the further time of two years to complete their turnpike road in said county.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed November 2, 1857.

CHAPTER 5.

AN ACT to establish certain Civil Districts in Hamilton County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the Tenth Civil District of (formerly) Bledsoe, which was attached to the county of Hamilton, by the act of 1856, chapter 162, sections three and four, constitute the Fifteenth Civil District of Hamilton county.

SEC. 2. *Be it further enacted*, That the First and Second Civil Districts of (formerly) Marion county, which were attached to the county of Hamilton, by the sections aforesaid of said act of 1856, constitute, respectively, the Sixteenth and Seventeenth Civil Districts of Hamilton county.

SEC. 3. *Be it further enacted*, That the justices of the peace and constables, who were in authority in said Civil Districts, of (formerly) Bledsoe and Marion counties, on the 20th of September, 1857, shall continue to use and exercise their power and authority as justices of the peace and constables of Hamilton county, in the same manner as though they had not been detached from Bledsoe and Marion, until their successors in office are elected, or until some other provision is made for the enforcement of law and the attainment of justice in said civil districts.

SEC. 4. *Be it further enacted*, That the official acts of all said justices of the peace and constables, since the 20th of September, 1857, be, and the same are hereby declared valid: *Provided*, such official acts, would have been valid, if said justices and constables had been legally and constitutionally elected justices and constables of Hamilton county.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 4, 1857.

CHAPTER 6.

AN ACT to authorize Soam Waddle and Moses Moore to build a mill-dam across Chucky River.

Be it enacted by the General Assembly of the State of Tennessee, That Soam Waddle and Moses Moore, of the county of Washington, are hereby authorized to build a mill-dam across Nolla Chucky River, near the residence of said Waddle and Moore: *Provided,* they keep up a slope forty feet wide, which may be raised to a height of twenty inches.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 6, 1857.

CHAPTER 7.

AN ACT to amend an act passed February 26, 1856, chapter 204, page 399.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed February 26, 1856, incorporating the Memphis and Germantown Turnpike Company, be amended so that section 26 of said act shall require the grade of the road to be at least twenty feet wide.

SEC. 2. *Be it enacted,* That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 6, 1857.

CHAPTER 8.

AN ACT to change the name of William Hays.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David Hipshear, of Hancock county, be permitted to adopt William Hays as his own legitimate son; that the same rights and benefits, together with the privilege of inheriting and succeeding to the real estate and personal property of the said David Hipshear be and the same are hereby conferred on said William, to the extent to which he would be entitled were he born in actual wedlock, and that the name of said William Hays be and the same is hereby changed to William Hipshear.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 7, 1857.

CHAPTER 9.

AN ACT for the relief of the securities of James Tidwell.

WHEREAS, At the February term of 1856, of the Circuit Court of Fayette county, held in the town of Somerville, Tennessee, a judgment was recovered by the State of Tennessee, against James Tidwell and his securities upon his bond as tax collector of county aforesaid for the sum of fourteen thousand and eighty-one dollars and ninety-three cents, (14,081 93;) as principal; interest on same from January 1, 1855, nine hundred and sixty-four dollars sixty cents, (964 60,) and 12½ per cent. damages consequent upon default, one thousand seven hundred and sixty dollars and twenty four cents, (\$1,760 24) amounting in all to sixteen thousand eight hundred and six dollars and seventy-seven cents (\$16,806 77;) and whereas said Tidwell, before the rendition of said judgment had deposited in the branch of the State Bank at Somerville the sum of eight thousand four hundred and ninety-three dollars

and thirty-seven cents, (\$8,493 37,) which said sum still remained on deposit in said bank until paid over on said judgment, which judgment said securities, or a part of them, enjoined in the Chancery Court sitting in said town of Somerville, and said Court refused to grant the relief prayed for and dismissed complainants' bill and gave judgment against said securities and their securities for the amount of the judgment of the Circuit Court, &c., therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Attorney General and Judge of the Eleventh Judicial Circuit are hereby authorized and empowered to indulge the said securities for the payment of the balance of said judgment for the space of two years from the passage of this act: *Provided always*, that said indulgence shall not be given unless in the opinion of said Attorney General and Judge of the Eleventh Judicial Circuit said judgment will be in no wise endangered by giving the time hereby authorized to be given.

SEC. 2. *Be it further enacted*, That the said securities may avail themselves of this indulgence by appearing in open court at any term of the Circuit Court of Fayette county, with two or more good and sufficient securities to be approved of by said Attorney General and Court, and confessing judgment for the full amount due on said chancery suit, judgment and such confession of judgment, shall be a satisfaction of said Chancery Court judgment, except the costs, which shall be paid by said securities, and thereupon the judgment of the Circuit Court shall be stayed for the term of two years after the passage of this act.

SEC. 3. *Be it further enacted*, That said Attorney General and Court in estimating the amount now due shall deduct the 12½ per cent. damages and the interests of the sum deposited in the Branch of the State Bank at Somerville from the time of said deposit and the commissions due said tax collector had he paid the same as required by law.

SEC. 4. *Be it further enacted*, That the said Attorney General shall have full discretion to take a confession of judgment in the manner above designated in the second section of this act from each of said securities for his proportionate share of said Chancery Court judgment, or for any amount of same that may be agreed upon by them; *Provided*, That such division of the judgment does not in his opinion endanger the collection of the same.

SEC. 5. *Be it further enacted*, That when the securities, or as many of them as shall join in securing the amount of the judgment, shall have secured to the satisfaction of

the Court and Attorney General, the amount of the same as before, provided they shall have judgment over against their *principal*, James Tidwell, for the full amount, and against such of the securities as do not join in securing said judgment against each, for his ratable proportion, including only such securities as are legally liable: *Provided*, That nothing in this act shall in any way relieve the said James Tidwell from his liability on the judgment rendered against him in the Circuit Court of Fayette county for the taxes mentioned in this act; and provided further, that the securities shall not be released from any interest that may accrue against them after the rendition of said judgment agreeable to the provisions of this act.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 7, 1857.

CHAPTER 10.

AN ACT to change the name of Robert Livingston Allen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Livingston, of Dickson county, and State of Tennessee, be permitted to adopt Robert Livingston Allen as his own legitimate son, and that the same rights and benefits, together with the privilege of inheriting and succeeding to the real estate and personal property of said Robert Livingston, be and the same are hereby extended to the said Robert as if he had been born in actual wedlock, and that hereafter he shall be known by the name of Robert Livingston.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 7, 1857.

CHAPTER 11.

AN ACT to incorporate Byrd's Commercial College, at Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John J. Byrd, practical accountant, book-keeper and penman, be, and he is hereby empowered to associate with him competent professors to fill the following chairs, whenever the interest of the institution demand it, to-wit: one for double-entry book-keeping, one for commercial calculation, and one for penmanship; said Association shall, to all intents and purposes be in law a body corporate, and they and their associates and successors, are hereby created, constituted, and declared to be, a body corporate and politic, by the name and style of Byrd's Commercial College, of the city of Memphis, and by that name they may have succession for the period of ninety-nine years, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatever; their successors may have a common seal, and alter, change, or break the same at will.

SEC. 2. *Be it enacted*, That the said John J. Byrd, his associates, and their successors, shall have the power to grant diplomas, award such degrees, confer such honors, and exercise all and singular the privileges common to commercial colleges, authorized by law in this State.

SEC. 3. *Be it enacted*, That the said John J. Byrd, shall be the first President of said College; he and his successors in the office of President, shall have the power to fill, suspend, or vacate all or either of the above chairs at option, by serving a written notice upon the professor to be suspended or removed, at least thirty days prior to such removal.

SEC. 4. *Be it enacted*, That the said President and Professors, shall constitute a board for the government of this institution, and they, and their successors, shall have the power to make their own by-laws, for the regulation and government of said College: *Provided*, that nothing therein conflict with the law of the land or the provisions of this act.

SEC. 5. *Be it enacted*, That this corporation hereby created shall continue so long as it faithfully observes the objects of its institution, but the General Assembly when-

ever satisfied that it has failed to pursue the above objects, may alter, or repeal the same.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 7, 1857.

CHAPTER 12.

AN ACT to amend the Navigation Laws of Forked Deer River for Steamboats.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That that portion of Forked Deer River lying between the Memphis and Ohio Railroad Bridge, (the present head of navigation) and Sherron's Ferry be declared unnavigable for steamboats.

SEC. 2. *Be it enacted*, That any person or persons may be allowed to construct dams, or locks, or cut races for mills and other manufacturing purposes, on said river: *Provided*, such constructions do not obstruct the navigation of said river for flat-boats or keel-boats.

SEC. 3. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 10, 1857.

CHAPTER 13.

AN ACT to repeal the Third Section of an act passed 26th February, 1856, Chapter 141.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 3, of an act passed 26th February, 1856, chapter 141, entitled, An act to amend an act passed 2d March, 1854, entitled, an Act to

amend the Stone's River and Statesville Turnpike Company, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 11, 1857.

CHAPTER 14.

AN ACT to amend the Charter of the Shelbyville and Fayetteville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Shelbyville and Fayetteville Turnpike Company be so amended, as to allow said Company to collect at each of their toll gates, for each and every loaded five-horse wagon, passing through the same, the sum of thirty cents, and for each and every loaded six-horse wagon passing through the same, the sum of thirty-five (35) cents.

SEC. 2. *Be it further enacted*, That the provisions of this act be extended to the Shelbyville and Unionville Turnpike Company.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 19, 1857.

CHAPTER 15.

AN ACT to repeal certain provisos in the Acts regulating the City of Chattanooga.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proviso to the second section of an act passed 5th November, 1851, entitled, "An act to incorporate the city of Chattanooga, and for other purposes," and the proviso to the first section of an act passed 17th February, 1854, entitled, "An act to extend the corporate limits of the city of Chattanooga, and for

other purposes," be, and the same are hereby repealed, so far as to render all lands within the present limits of said corporation liable to railroad tax, should the same be voted and imposed by said corporation.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 20, 1857.

CHAPTER 16.

AN ACT to incorporate the Lebanon and Lowe's Ferry Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry F. Smith, E. P. Lowe, William D. Smith, J. C. Terry, A. J. McDonald, Samuel McDonald, C. Jackson, D. H. Wheeler, Edwin Johnson, Lovick Dyas, Allen Tomlinson, John H. Saunders, Thomas R. Ramsey, Matthew Ramsey, Edwin Hunder, Samuel Smithwick, P. S. Lester, Mrs. John Miller, Mrs. George Shutt, David C. Hibbitts, John Rye, William Rye, Rolley Organ, Thomas R. Morris, William Hallum, Joseph M. Anderson, Carter and White, William L. Martin, or any seven of them be and they are hereby appointed Commissioners, to open books, to receive subscriptions for stock, for the purpose of building a turnpike road from Lebanon to Lowe's Ferry, in the county of Wilson, a distance of fourteen miles and a fraction, at such times and places, as they may think best, either in cash subscriptions or in work; and all the above named persons, or so many of them as shall unite in making said road, or any other person or persons not named, who shall aid in its construction, or any seven of them, shall be commissioners to locate said road, and shall be, and they are hereby appointed a body politic and corporate, by the name and style of the "Lebanon and Lowe's Ferry Turnpike Company," and by that name may sue and be sued, plead and be impleaded, have a common seal, and succession for ninety-nine years.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall not exceed forty thousand dollars, and may be any sum less, necessary to complete said road, to be divided into shares of twenty-five dollars each; and when

Capital stock.

Directors.

the sum of five thousand dollars is subscribed, either in cash or in work, to be done on said road, a meeting of the stockholders shall be held at such time and place as a majority may designate, all being notified; and when assembled, such majority may proceed to elect seven directors, being shareholders, who shall elect one of their body president of the board of directors, and the president and directors thus chosen, shall have power to elect a secretary and treasurer, to pass by-laws, and fully organize, and put under contract the building of said road.

Powers.

SEC. 3. *Be it enacted*, That all of the officers so elected and chosen, shall hold their respective offices for two years from date of election, and until their successors be chosen and appointed, and such president and directors shall have full power to make contracts with any person or persons, for the clearing and opening, and making the said road, along the route which shall be marked out by a majority of the aforesaid commissioners.

Location.

SEC. 4. *Be it enacted*, That the president and directors of said road, or the commissioners aforesaid, shall, at such time as suits their convenience, proceed to lay off and locate said road, and may locate and build the same entirely, or in part on the bed of the present county road leading from Lebanon to Lowe's Ferry.

SEC. 5. *Be it enacted*, That said road shall be opened thirty (30) feet wide, graded twenty feet, (20) and shall be graveled with rock, or creek gravel, with sufficient ditches on each side to drain the road, to wit: sixteen feet wide, six inches thick, and second coat eight feet wide, six inches thick, and said road shall be graded to within four degrees of a level, except one and a half miles on a gravelly ridge on the route, which shall be well graded, and ditched; and said Company shall build all such bridges, culverts, and other drains, in such manner as will be durable and sufficient to drain said road at all seasons of the year; and when said road is thus made, they shall be allowed the same rate of toll at their respective toll-gates that is allowed on the Lebanon and Nashville Turnpike Road.

SEC. 6. *Be it enacted*, That when five miles of said road shall be completed, either from Lebanon or Lowe's Ferry, said Company may erect a toll-gate upon the same, and charge toll; and *provided further*, that when the entire road is completed, said Company shall be entitled to three gates, so that gates are not nearer to each other than four miles.

SEC. 7. *Be it enacted*, That the aforesaid president and directors, or commissioners, may demand of such subscribers as may take stock in said road, such sums, as to them

may seem reasonable to facilitate the speedy completion of said road ; and said directors, or commissioners, are authorized to receive subscriptions for stock in said road, to be paid either in money or work, in such proportions as said commissioners shall authorize or direct, and in case any stockholders shall do work on the road, and a difference should arise as to the true value, and worth of the same, or any materials furnished, then said board of directors shall appoint one person on the part of the Company, in nowise interested in the road, which said appointee, in connection with some one appointed by the party or parties doing work or furnishing materials, and the two appointed shall have power to fix the value of the labor done, or materials furnished, or in case of disagreement, to call in a third party disinterested, and the result of such judgment in any case, shall be certified by the parties in writing to the board of directors, and parties in interest.

SEC. 8. *Be it enacted*, That the third section of an act to incorporate the Clarksville and Russelville Turnpike Road Company, which relates to the condition of such stock as may have been subscribed, when the same is called for by the proper authority, and not paid, be and the same is herein adopted.

Clarksville and
Russelville,
Lebanon and
Cole's Ferry.

SEC. 9. *Be it enacted*, That the 9th, 10th, and 11th sections of an act to incorporate the Lebanon and Coles' Ferry Turnpike Company, passed February 16, 1854, be and the same is hereby adopted.

SEC. 10. *Be it enacted*, That the president and directors of said road, shall have power to adopt and ratify all acts, and doings already had, for the building and benefit of said turnpike road, in the way of organization, subscription or labor done, if in their judgment the same shall be deemed prudent, and for the interest of the Company, and their adoption and acceptance of the same shall make all such acts valid and of full force.

SEC. 11. *Be it enacted*, That if said Company shall not begin said road within two years after the passage of this act, and complete the same in three years thereafter, in the manner herein directed, this charter shall be void, unless further time be allowed for the building of the road by the proper authority.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed November 20, 1857.

CHAPTER 17.

AN ACT to incorporate the Davidson and Wilson County Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. B. Hayes, S. Jeviman, J. W. Heugly, Ira McFarland, S. B. Hardy, J. W. Hardy, A. W. Thompson, C. H. Cooke, B. P. Casselman, Hollis Wright, W. S. Baird, John S. Radford, B. F. Lain, James Tindall, Thomas B. Stroud, Josephus Walker, J. F. Clemmons, E. Clemmons, H. C. Neal, John Clemmons, John J. Haraldson, Richard Ray, William Ray, T. G. Cook, G. Crawford, Clinton Bard, James Rogers, William Tatum, Henry Bard, Isaiah Gibson, Charles Heugley, Lewis Jenkins, Col. J. W. Hengley, Thomas L. King, James Thompson, Z. Waraldson, A. G. Rogers, Maj. Haraldson, Wesley Martin, John Martin, T. B. Moore, G. F. Gleaves, Shelton Pride, Thomas B. Neal, Lewis Lindsley, W. T. Haraldson, Jesse Poiner, Samuel Hinton, G. W. Carver, Jephtha Clemmons, James Bashaw, J. W. Cawthorn, S. H. Hearnreader, N. C. Haraldson, W. B. Goldson, Eli Goldson, Wm. Lain, Jr., David Lain, Robert Gregg, A. Carver, W. Askew, Zed Baird, C. W. Bidwell, Jerry Maury, J. B. Baird, C. L. Baird, W. Hancock, Murit Caraway, Samuel C. Anderson, W. H. Johnson, R. Gleaves, G. T. Gleaves, G. W. Hager, G. W. Congill, George Hager, Jane Cooke, B. F. Gleaves, Wm. Donaldson, and William Bingley, be, and they are hereby appointed commissioners to open books for subscription at any time and place they may choose, for the subscription of stock, to be used in the construction of a McAdamized road, beginning at or near the Clover Bottom Bridge, on the Lebanon and Nashville Turnpike, and from thence, via the plantation of B. F. Gleaves, Tate's Spring, R. T. Hays, the plantation of Hugh Campbell, J. W. Hardy, Walker's shop, John Clemmons, to the terminus on the Lebanon and Murfreesboro' Turnpike road at the mills of J. B. Baird.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be twenty thousand dollars, and divided into shares of fifty dollars each, with the privilege of increasing said stock at discretion.

SEC. 3. *Be it enacted*, That so soon as ten thousand dollars of the stock in said road shall be subscribed for, in cash or labor, any three of said commissioners may call a meeting of the stockholders of said Company, at Hardy's Store, in Wilson county, by giving said stockholders five days'

notice of the time and place of such meeting, and at such meeting the subscribers for stock in said road, shall elect from their number nine directors, one of whom shall be president. Said directors shall choose a Secretary and Treasurer, from their number; said directors shall hold their offices for twelve months, and until their successors are appointed.

SEC. 4. *Be it enacted*, That the president and board of directors may, in such manner as they may think best, solicit and procure additional subscription, for stock, and shall either by themselves, or some competent person appointed by them, mark, lay out, and locate said road, according to the provisions of the first section of this act, provided that said road be graded within five degrees of a level.

SEC. 5. *Be it enacted*, That the president and directors shall have power to let out and put under contract said road, in parcels great or small, as they may think best for contractors, for cash, or for stock in said Company.

SEC. 6. *Be it enacted*, That the said president and board of directors shall be, and they are hereby made a body politic and corporate, may sue and be sued, plead and be impleaded, contract and be contracted with, by the name and style of the Davidson and Wilson County Central Turnpike Company.

Davidson and
Wilson county
Central Turn-
pike Company.

SEC. 7. *Be it enacted*, That the directors of said Company shall have power to call in the assessment on the capital stock at such times, and in such amounts as they may deem necessary, and shall have power to make such by-laws, for the regulation of said board of directors, and government of said Company, as they may think best for the interest of said Company, not only in the subscription, and collections of stocks, and construction of said road, but all other business pertaining thereto.

SEC. 8. *Be it enacted*, That said Company may erect a gate at, or within one-half mile of the Lebanon and Nashville Turnpike road, charge and receive tolls on said road so soon as the / shall have completed five miles of said road; and may continue to erect gates and receive tolls, at three additional gates thereon, which shall be located at as near equal distances apart as may be practicable, with the privilege of erecting a gate upon each section of five miles of new road, whenever such section of five miles shall be completed.

Tolls.

SEC. 9. *Be it enacted*, That the stockholders in said Company shall have the right of transferring their stock in said Company, by sale, gift, or otherwise, as they may desire, and assigns or assignees shall be entitled to all the

rights, privileges, and immunities, and be subject to all the liabilities and responsibilities of the original members of said Company.

SEC. 10. *Be it enacted*, That the said Company shall be entitled to all the benefits that are granted to the Lebanon and Trousdale's Ferry Turnpike Company by the act of 8th December, 1849, chapter 41; that all the provisions of said act are hereby adopted for the government of the Company herein incorporated, except in relation to the collections of stock, and such parts of said act as may conflict with any express provisions of this act.

SEC. 11. *Be it enacted*, That said Company shall be allowed the term of two years from the passage of this act to complete said road, and that said Company shall be entitled to all the benefits of the charter, for the term of ninety-nine years, from and after the passage of this act.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed November 27, 1857.

CHAPTER 18.

AN ACT to amend an act passed February 29th, 1856, entitled, "An act to amend the Charter of the Nashville and Cincinnati Railroad Company," and the acts amendatory thereto, and for other purposes.

WHEREAS, It appears that the first section of thirty miles of the Edgefield and Kentucky Railroad route includes, and runs over what is known as the Cumberland Ridge, a very difficult and laborious point to overcome by railway, requiring at least four times the amount of work and expenditure of means as would be necessary to prepare and make ready for the reception of cross-ties and rails of any equal average distance upon said section of thirty miles; And, whereas, in consideration of this obstacle, by the above cited act, the Legislature gave said Company the privilege of grading their road to the southern foot of said Ridge, and there to pass upon the north side thereof and grade a sufficient number of consecutive miles to make thirty miles with that portion upon the south side of said Ridge; And, whereas, the required number of consecutive miles upon the north side of said Ridge just crosses a large stream, rendering it necessary to build a bridge and to cut down the northern bank of said stream and carry the exca-

vated dirt and rock further on, in order to make a *fill*, which will require the building of an additional mile or more of said road. Hence the difficulty intended to be removed by the Legislature was not accomplished, but another equally onerous burthen unintentionally imposed; And, whereas, it further appears that said Company have already performed considerable work upon said Ridge section, estimated to be more than double the amount necessary to complete the grading of an average section of equal distance of the first thirty miles of said road, and that there has been done upon the entire thirty miles work sufficient to grade and prepare for the ties and iron any section of thirty miles running from the city of Nashville, not crossing said Ridge. And to require said Company to either cross said Ridge or stream with their road, before they were entitled to State aid, is more than ought to be exacted under the circumstances and as was contemplated under former legislation. And, whereas, it further appears that said Company have already expended a fraction over two hundred thousand dollars in the grading of said road; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fifth section of an act passed February 29, 1856, entitled, "An act to amend the charter of the Nashville and Cincinnati Railroad Company, and the acts amendatory thereto, and for other purposes," be so amended as to entitle the Edgefield and Kentucky Railroad Company to all the privileges of the act of February 11, 1852, entitled, "An act to establish a system of Internal Improvements in this State," and the acts amendatory thereto, whenever they shall have prepared their road (excepting the Ridge section) for iron rails to the distance of thirty miles from its Nashville terminus, including said Ridge section in the estimate of distance; *Provided*, it shall be made to appear to the satisfaction of the Road Commissioner before said aid is granted, that as much work has been done on said Ridge section as would be necessary to complete the grade of an average section of equal distance of said road, and that the cost and labor of construction from Nashville to the terminus of the first thirty miles are as much as would be required to grade the same distance of road over an ordinary country, leaving out the amount of unfinished grading on the Ridge section at the time of the completion of the balance of the first thirty miles of said road, all of which he shall certify to the Governor in his certificate. And,

Edgefield and
Kentucky Rail-
road.

WHEREAS, The Louisville and Nashville Railroad Company have expended on the forty-five and one-half miles in

the State of Tennessee, besides the bridge at Nashville across Cumberland river, the sum of \$ and the work on the first thirty miles of said road has so far progressed as to give satisfactory evidence that on the 10th day of January, 1858, there will not remain more than fractional parts of three miles unfinished for track, and those parts completed by the first day of March, 1858, and said Company have finished, ready for the iron rails a number of miles though not consecutive, equal to thirty, and have worked one tunnel through, and another half through; therefore,

SECTION 2. *Be it enacted by the General Assembly of the State of Tennessee*, That upon the report of the Railroad Commissioner to the Governor, that the Louisville and Nashville Railroad have graded and bridged ready for the track thirty miles of road, though not consecutive, and that said Company have done work on that part of the road beyond the thirty miles equal in value to five times the amount of the work then to be done on the first thirty miles, not counting work on any mile, above the said first thirty, which has been calculated in the aforesaid thirty miles, then the Governor shall issue, on the demand of the President of said road, coupon bonds of the State of Tennessee to the amount of ten thousand dollars per mile.

Louisville and
Nashville Rail-
road.

SEC. 3. *Be it further enacted*, That the benefits and provisions of an act passed February 11, 1852, entitled, An act to establish a system of Internal Improvements in this State, and the acts amendatory thereto, be extended to the Louisville and Nashville Railroad Company, until the first day of June, 1858.

Extension of
same.

SEC. 4. *Be it further enacted*, That the said road is hereby allowed until the first day of June, 1859, to comply with the provisions of said act of February 11, 1852, and the act amendatory thereto, on that part of said road lying from the end of the first thirty miles to the Kentucky line.

SEC. 5. *Be it further enacted*, That the Board of Directors of the Louisville and Nashville Railroad Company be and they are hereby vested with the power to elect one or more Vice Presidents, one of whom shall reside in the State of Tennessee, who, together with the Directors residing in the State of Tennessee, may be constituted a local Board, and to whose management may be submitted the construction of that part of the road which lies in the State of Tennessee, subject to the control of the President and Directors of the Louisville and Nashville Railroad Company, and exercise such other and further power as the Board may from time to time confer. The

Vice Presidents
to be elected.

Board of Directors of the Louisville and Nashville Railroad Company shall prescribe the duties and define the powers of the Vice President. The Board of Directors of the Louisville and Nashville Railroad Company shall have power to fix the salary of the Vice President in Tennessee, and the Vice President in Tennessee may be elected from or outside of the local Board.

SEC. 6. *Be it further enacted*, That the iron for said two roads shall be shipped to the order of the Railroad Commissioner, who shall deliver it to them as above provided for.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 15, 1857.

CHAPTER 19.

AN ACT directory to the Comptroller of the Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant to Morgan & Co., for eleven hundred and twenty-seven dollars and forty-three cents, the cost of new carpets purchased for the Senate Chamber and House of Representatives; and to the Secretary of State for eighty-four dollars, paid for making and putting down the same.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury be, and he is hereby directed to issue his warrant for two hundred and fifty-seven dollars and sixty cents, in favor of the Secretary of State, being the amount expended for coal furnished for the Legislature by James Hughes.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 1, 1857.

CHAPTER 20.

AN ACT to establish the Fourteenth Civil District in Hickman County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby established the Fourteenth Civil District in the county of Hickman, which shall have the following boundaries, to-wit: Beginning one quarter of a mile from Stanfill's Mills, on the Williamsport road, running to the nearest point of Swan Creek, leaving Mrs. Stanfill and John McGill in District No. 1, thence up said Creek, with its meanders, and on to the dividing ridge between Short and Fall Branch, thence with said ridge to the old Natchez road, east with the same to the Old Well, thence on a line to what is called the Robert Totty road, where the same intersects the Williamsport and Centreville road, thence with the same to the beginning.

Officers.

SEC. 2. *Be it enacted*, That said District shall have the same number of officers, that the other districts in said county how have, with the same powers and privileges.

Election.

SEC. 3. *Be it enacted*, That the first election in said District shall be held at Wheat's Shop, at the time the other elections in said county take place, in March next, and after which time a majority of the voters of said District may move the place of election, wherever they may designate in said District.

SEC. 4. *Be it enacted*, That those living in each fraction in said District shall remain and be considered in the District from which they were taken, until the election aforesaid; and that the officers in said District, when elected, shall be supplied with the books, &c., to which other districts are entitled.

Governor to appoint County Judge for Giles County.

SEC. 5. *Be it further enacted*, That the Governor of the State of Tennessee, be and he is hereby authorized and requested to appoint some suitable person to act as County Court Judge of Giles county, during the December term of said Court, and that said County Judge so appointed shall be invested with all the rights, powers and privileges appertaining to the said officers under the act, creating said office, passed February 22, 1856.

DANIEL S. DONELSON, -
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 2, 1857.

CHAPTER 21.

AN ACT to incorporate Linwood Landing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John D. Moris, C. E. Meriwither, M. D. Davie, Andrew Long, A. D. Fletcher, R. G. Hopkins, Isaac Mosby, J. M. Williams, Thomas J. Munford, George Massie, S. G. Keats, J. H. Kindrick, John W. Woodson, W. G. Moore, Ben. Berry, E. S. Edmunds, W. W. Mills, A. L. Jones, Peter B. Stones, J. C. Metcalf, John J. Thomas, D. W. Quarles, James M. Hunt, J. B. White, Wm. Griffey, William Moss, Geo. King, John Flemming, James A. Hutchison, P. B. White, James F. Buckner, L. L. Leavell, Jesse Giles, Jr., Jesse Giles, Sr., Geo. Wells, Sr., John T. Edmonds, Lewis L. Leavell, James M. Hardy, S. A. Holland, R. W. Henry, James M. Campbell, A. J. Faulkner, W. H. Greenwood, H. P. Jones, Wm. Faulkner, Brener Rues, James M. Radford, W. H. Allenworth, P. W. M. Garrien, W. P. Settle, W. B. Radford, James Brunty, Porter & Riggins, James L. Killebun, J. H. Evans, C. H. Keaver, Henry Bollinger, Wm. Payne, John Chilton, George Lackey, Thomas B. D. Reese, Robert E. Hacker, Richard Durritt, P. Peachier, F. W. Buckner, H. G. Green, Peter Anderson, J. W. Edmonds, John C. Ferguson, H. L. Smith, P. C. Wootin, W. A. Mayfield, W. H. Mason, John R. Whitlock, James U. Smith, A. Seay, J. T. Harris, W. A. Harris, Davis & Weaver, Richard Stone, Charles Brantley, W. L. Nibbet, Simcon Philpot, Walker Mauson, James G. Stewart, Winston J. Davie, Ambrose Davie, James Branaugh, Charles Necker, Darwin Bell, G. M. Quarles, Samuel G. Buckner, Benjamin G. Radford, Geo. Leavell, James B. Wood, W. B. Mason, Wood & Brother, James M. Ogburn, William Radford, and William Overton, and their successors, are hereby declared a body corporate, under the name and style of the Linwood Landing Company, and by which said name may have succession for a period of twenty years, by which said name they may sue and be sued, plead and be impleaded; and they may have a common seal, and may purchase and hold property, both real and personal, not exceeding thirty thousand dollars in value, and sell and convey the same, under their said corporate name, and in their said corporate capacity.

SEC. 2. *Be it enacted*, That it shall be competent for said Company to elect, at such times as they may deem most expedient, five Directors, three of whom may constitute a legal Board to transact business; said Directors to elect Election of officers.

from their Board a President ; and in voting, each stockholder shall cast one vote and no more.

owers of Board. SEC. 3. *Be it enacted*, That said Board of Directory shall take and have control and management of said Landing for the term for which they are elected. But on no account are said Directory authorized to bind said Company by bill, note, bond, or any other obligation sold or traded to any bank, corporation or individual.

SEC. 4. *Be it enacted*, That said Directory shall not, in the name of said Company, buy any kind or sort of produce or property for speculation, but shall confine themselves to a legitimate warehousing business ; *Provided*, nothing in this section shall prevent said Directory from keeping on hand for their customers, lumber, shingles, boards, staves, and salt.

Agent. SEC. 5. *Be it enacted*, That said Board of Directory may at their option employ an agent to carry on said business for said Company, or rent the same from year to year, or lease it for a term of years.

By Laws. SEC. 6. *Be it enacted*, That said Directory shall, at the next meeting after their election, submit to the shareholders such by-laws as they may think proper, for the government of said Company, to be ratified, altered or amended, by a majority of said shareholders.

SEC. 7. *Be it enacted*, That the stock of said Company may be sold and transferred on the books of Company, at the option of each shareholder owning stock therein.

SEC. 8. *Be it enacted*, That said Company hereby incorporated, is authorized to do a legitimate warehousing business, and none other, at their Landing on Cumberland River, in Montgomery county.

SEC. 9. *Be it further enacted*, That the individual property of the stockholders shall be liable for the debts of the Company for building said warehouse, in proportion to the stock held by each stockholder.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 5, 1857.

CHAPTER 22.

AN ACT to amend the Charter of the Jackson, Somerville, and Memphis Turnpike Company.

Be it enacted by the General Assembly of the State of Tennessee, That John W. McKissack, the present owner of the Jackson, Somerville, and Memphis Turnpike Company, is hereby authorized to discontinue said turnpike: *Provided*, he keeps a ferry across the river, and opens and keeps in good repair a summer road through the bottom, parallel with, or near to, the turnpike he is hereby authorized to discontinue.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 5, 1857.

CHAPTER 23.

AN ACT to ame

ndarport of thewn of Somerville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the 21st and 25th sections of an act, entitled, An act to incorporate the town of Somerville, in the county of Fayette, passed the 24th of January, 1854, chapter 17, as requires the Town Constable and Recorder to be elected and appointed by the Board of Mayor and Aldermen of said town of Somerville, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the qualified voters of said town of Somerville, at the time of electing a Mayor and Aldermen, shall elect a Recorder, and a Town Constable; and said Recorder and Constable shall be entitled to all the privileges, and perform all the duties, required of them by the act which this is intended to amend.

Recorder and
Town Constable.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 7, 1857.

CHAPTER 24.

AN ACT for the benefit of H. K. Walker, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to H. K. Walker for the sum of eighteen dollars, for three days' services, by him rendered as clerk in the organization of the Senate; and the sum of eight dollars for two days' services rendered by Brien M. G. O'Brien, as doorkeeper.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to Thomas F. Mosby for twelve dollars; to F. S. Hale for twelve dollars; and to R. B. Cheatham for sixty dollars, for services rendered by them in the organization of the House of Representatives; and to Anderson Hill for eight dollars, for services rendered by him as doorkeeper.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 8, 1857.

CHAPTER 25.

AN ACT in relation to the Chattanooga, Harrison, Georgetown and Charleston Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the offer of State aid of ten thousand dollars per mile, heretofore made by law to the Chattanooga, Harrison, Georgetown and Charleston Railroad, be extended for one year longer; and that said Railroad Company or any Railroad Company or Companies with which they may amalgamate or have amalgamated, shall have twelve months longer time than they now have to bring themselves within the provisions of the law entitling the said Chattanooga, Harrison, Georgetown, and Charleston Railroad Company to State aid.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 12, 1857.

CHAPTER 26.

AN ACT to collect the Revenue of Lauderdale County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the securities of Wm. G. McClelland, late Revenue Collector of Lauderdale County, be and are hereby declared entitled to all the rights, privileges and benefits, conferred by the first section of an act passed February 24th, 1852, entitled, An act for the relief of revenue collectors.

SEC. 2. *Be it enacted*, By the authority aforesaid, that the bonds, required to be given under the provisions of said act of 1852, by the securities, shall and may be executed and acknowledged in this case before the County Court of Lauderdale county, at any of its monthly meetings. Bond may be executed.

SEC. 3. *Be it enacted*, By the authority aforesaid, that this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

¶ Passed December 17, 1857.

CHAPTER 27.

AN ACT to charter "Chapel Hill Academy," "Winston Male Academy," "Winchester Female Seminary," "Mary Sharpe College," at Winchester, "New Castle Female Institute," in Hardeman County, "Bluff Springs Seminary," in Gibson county, and "Huntingdon Masonic Female Institute," at Huntingdon, and to amend the Charter of the Dresden Female Academy.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Richard Warner, James G. Marshall, John H. Robeson, Joseph B. Fulton, and T. C. H. Miller, be and they are hereby appointed and constituted a body politic and corporate, by the name of Chapel Hill Academy, in the county of Marshall, and by that name may sue and be sued, may plead and be impleaded, may have and use a common seal, shall have, hold, and acquire real and personal property, of any kind or description, so far as the same may be necessary for the use and benefit of said Academy; and shall have, exercise, and enjoy all such rights and privileges, as are usually possessed, and Trustees.
May hold real estate.

exercised by the Trustees of any incorporated Academy, and may ask, demand, and sue for and receive any monies, which may be due said Academy by donation or otherwise; and for the same may grant all proper discharges and acquittances, by the signature of the President, attested by the Treasurer with the common seal attached.

Trustees to be
elected.

SEC. 2. *Be it enacted*, That so soon as the persons named in the first section of this act shall have organized said Academy, they shall proceed to hold an election for five Trustees, first giving ten days' notice of the time and place of holding said election; said Trustees when so elected, shall hold their office during the term of two years, and until their successors are elected.

Stock.

SEC. 3. That the stock of said Academy be divided into shares of twenty-five dollars each, and that twelve and a half dollars constitute a half share, but any sums less than twelve and a half dollars shall not be computed as stock.

SEC. 4. That each person who has or may have contributed to the erection, support and maintenance of said Academy, by giving to the same, land, labor, money, or other donation, to the amount of twenty-five dollars, shall be entitled to vote for Trustees of said Academy; each stockholder shall be entitled to as many votes as he may hold shares in said Academy.

President and
Treasurer.

SEC. 5. That said Trustees when elected shall organize themselves into a Board by electing one of their number President, and appointing a Treasurer; any three shall constitute a quorum to do business. Such Board shall have power to fill such vacancies as may occur during the time for which they are elected.

SEC. 6. That such Board of Trustees may make such rules and regulations, as they may deem expedient, necessary and proper, not inconsistent with the law of the land.

SEC. 7. *Be it further enacted by the General Assembly*, That Reuben Edmundson, Robert E. Jeter, W. N. Brasfield, P. W. White, J. A. White, be and they are hereby constituted a body politic and corporate, under the style and title of "Winston Male Academy," who shall have perpetual succession and a common seal, and they and their successors are hereby invested with all legal powers to buy, receive by gift, possess, hold, and dispose of any property, and may sue and be sued, commence and prosecute any legal process or processes, and have the same instituted against them in any court of the State.

SEC. 8. *Be it enacted*, That any three of the above named Trustees shall constitute a quorum, and they shall have full power to establish such departments in the insti-

tution as they may think proper, and to elect such officers, professors, or teachers, as they may deem necessary to secure the object of the Institution, and also to make such by-laws and regulations as to them may seem fit; *Provided*, That the same be not inconsistent with the Constitution or laws of the United States, or of this State.

SEC. 9. *Be it further enacted*, That upon the death, removal, or resignation of any of the Trustees, the vacancy occasioned thereby, may be filled by the remaining Trustees, or a quorum of them. Vacancies, how filled.

SEC. 10. *Be it further enacted*, That the Trustees shall meet as often as they may deem necessary, and that the officers, professors, and teachers, shall, with the advice and consent of the Trustees, confer on any student in the Institution, or any proper person, or persons, any degree or honors, known and conferred in like institutions of this State. Degrees and honors.

SEC. 11. *Be it further enacted*, That no misnomer or misdescription of said corporation, in any deed, will, gift, grant, devise or other instrument of contract or conveyance, shall vitiate the same, but that the same shall take effect in like manner as if the corporation were rightly named, provided it be sufficiently described to ascertain the intent of the parties.

SEC. 12. *Be it further enacted*, That the Board of Trustees of the Dresden Female Academy, or a quorum of said Board, shall meet on or before the first day of May, eighteen hundred and fifty-eight, and proceed to the election by ballot or *viva voce*, as they may deem proper, of five Trustees, who shall in future constitute the Board, and be invested with all the rights, powers, privileges, and immunities, with which, by the charter of said Institution, and any law or laws passed for its benefit, the original Board was invested; and three, or a majority of said Board, shall in future constitute a quorum for the transaction of business. Dresden Female Academy.

SEC. 13. *Be it enacted by the authority aforesaid*, That the Trustees of the Female School at Winchester, Tennessee, known as the Winchester Female Seminary, to wit: A. S. Colyar, W. W. Brazelton, A. G. Clopton, John Frizell, Wm. B. Faris, Ross B. Conan, George Simmons, John Milikin, Nathan Frizell, Sr., George W. Hunt, F. A. Loughmiller, Hugh Francis, Madison Porter, Austin G. Smith, Pleasant Halbert, H. B. Hinton, Robert T. Scott, Wm. B. Jones, M. H. Bone, and James M. Russey, and such others as may be hereafter elected, not exceeding twenty-six in all, and their successors in office, be and they are hereby created a body corporate and politic, by the Winchester Female Seminary.

name and style of the Winchester Female Seminary, for the purpose of advancing female education; who, in the name aforesaid shall be capable of purchasing, receiving, and holding any property, real or personal, which may be given, granted, sold, conveyed, or devised to them, for the use of said Seminary, and of using, enjoying and disposing of the same, for the benefit of said Seminary; and, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity.

Officers.

SEC. 14. The Trustees may elect a President, Treasurer and Secretary out of their number, who shall hold their office for such time as the Board may prescribe; and they shall have full power to fill vacancies created by death, resignation, or removal; and no citizen shall be ineligible to the office of Trustee, provided he is, in the opinion of the Board of Trustees capable, and of good moral character, and they shall have power to declare the office of Trustee in said Board vacant, and they may expel one of their number.

SEC. 15. The Faculty of Teachers shall be chosen as follows: The Principal or President shall be elected by said Trustees, and the balance of the Faculty shall be appointed by the President or Principal of the School, subject to the ratification by the Board of Trustees.

SEC. 16. Said Board of Trustees may make all useful rules and regulations, as well as by-laws for the government of said School, not inconsistent with the Constitution of the United States, or the Constitution and laws of the State of Tennessee.

SEC. 17. One third of the whole Board at any time shall constitute a quorum for the transaction of business.

May confer degrees.

SEC. 18. *Be it further enacted*, The Faculty and Board of Trustees shall have full power and authority to confer upon any student, in said Seminary, or upon any other person, such literary degrees as are or may be known, and used in any female institution of learning in the United States.

Mary Sharpe College.

SEC. 19. *Be it further enacted by the authority aforesaid*, That the female Institution of learning established at Winchester by, and belonging to the Baptist Denomination, be and the same is hereby chartered and incorporated by the name of the Mary Sharpe College.

Trustees.

SEC. 20. *Be it further enacted*, That the following persons be appointed Trustees of said Institution, to wit: N. R. Martin, Rev. A. D. Trimble, Rev. J. R. Graves, Rev. R. C. Tallafferro, Rev. J. Seal, Rev. M. B. Clements, G. L. Randolph, Dr. J. D. Barksdale, D. Brooks, Dr. S. B. Pearce, C. R. Embry, W. P. Marks, Jr., M. Burrough,

S. W. Houghton, H. F. Robertson, P. Turney, Rev. B. Kimbrough, Rev. E. Stead, Rev. F. D. Jones, Rev. A. C. Dayton, Rev. D. B. Hale, and they and their successors as hereafter provided, constitute a corporation for ninety-nine years.

SEC. 21. *Be it further enacted*, That said corporation shall be able and liable in law and equity to sue and be sued, plead and be impleaded, to answer and be answered, and to defend and be defended in all courts and places, as any other legally and regularly constituted corporation; may have a common seal, may alter or change the same at pleasure, and also shall be able to take by purchase, grant, devise, or in any other manner, and to hold any real, personal, or mixed estate whatever, provided always the clear yearly value of the real estate so to be acquired shall not exceed the sum of fifty thousand dollars; and provided also, the principal and interest of the whole fund be used and applied for the promotion of education, and to no other purpose.

Powers of Corporation.

SEC. 22. *Be it further enacted*, That said Trustees, and their successors in office, shall have full power and authority to collect and receive all funds that have in any way been contributed or pledged for the establishment, enlargement, maintenance or benefit of said Institution, or for any of its purposes, and to apply the same, and to give, grant, bargain, sell, or otherwise dispose of all, or any of said real, personal, or mixed estate, as to them may seem best for the interest of the Institution: Provided, that no portion of them shall be expended, vested, used or appropriated in any other manner than in strict accordance with the will and direction of the donor, provided such will or direction is consistent with the Constitution and laws of the State.

Powers of Trustees.

SEC. 23. *Be it further enacted*, That the number of Trustees shall at no time exceed twenty-five, two-thirds of whom shall be members of the Baptist denomination.

SEC. 24. *Be it further enacted*, That the Trustees and their successors in office shall have full power and authority to direct, manage and control the fund of the Institution for the benefit of the same, to prescribe the course of study and the discipline to be observed in the Institution.

SEC. 25. *Be it further enacted*, That the Trustees and their successors in office shall have power to select and elect whenever a majority of them may think proper, a President of the Institution, and such professor, or professors, tutor or tutors, as they deem proper and necessary for the Institution; and these when so elected shall constitute a Faculty for the education and government of the

President and Professors.

pupils under the restriction hereinbefore and hereafter enacted.

SEC. 26. *Be it enacted*, That the Faculty elected as provided in the twenty-fourth section of this act, shall hold office during the pleasure of the Trustees, provided always, that no member of the Faculty shall be dismissed by the Trustees without cause previously stated to him in writing, and a full opportunity for defence allowed him, before a majority of the Trustees, provided that if complaint shall be made to the Trustees, or Trustee, or they, or any of them, shall have a knowledge of misconduct on the part of any member of the Faculty, it shall be the duty of the Trustee or Trustees being so informed, or having such knowledge, to immediately call a meeting of the Trustees, who may investigate the charge; and if they think proper by a majority vote of the members present, if five or more, suspend said officer until he be notified, and tried as herein provided.

SEC. 27. *Be it further enacted*, That no member of the Faculty shall be eligible to the office of Trustee, except the President, who shall by virtue of his office be a member of the Board of Trustees.

SEC. 28. *Be it further enacted*, That seven of the Trustees, convened as hereinafter described, shall constitute a quorum for the transaction of all business connected with their office except for the disposal of real estate, the election of a member of the Faculty, or the election of a Trustee, for which purposes, there must be at least a majority of the whole Board.

SEC. 29. Said Trustees shall, under the regulation provided by this act, have power, upon the death, resignation, or removal of one of its members, to supply the vacancy by the election of some other person; they shall also have the power to make vacant the seat of any member of the Board who shall fail to attend its meetings for the term of twelve months, or who shall prove himself deficient in official duties or moral character.

SEC. 30. *Be it further enacted*, That said Trustees shall have power to meet from time to time, upon their own adjournment, and as often as they shall be summoned by the Chairman or President, or in his absence by the Secretary.

SEC. 31. The President of the Board of Trustees, as well as any other officer that may be necessary for the proper organization of the Board, may be elected once in every year, at such time as the Board shall fix, by a majority vote; and the officer so elected must be a member of the Board of

Trustees and a majority of the whole Board must be present at the voting.

SEC. 32. *Be it further enacted*, That the Trustees and their successors in office have power and authority to grant and confer all such literary degrees, and honors, as are usual, in any similar institution in the Union, and to give suitable diplomas under the signatures of the Faculty, and a majority of the Board of Trustees, which diplomas shall entitle the possessor to the same immunities and privileges allowed by usage and statute, to the possessors of diplomas from any similar institution.

SEC. 33. The Trustees and their successors in office shall have full power and authority to make all ordinances, and by-laws for the government of their Institution which they may deem expedient for carrying the design of the Institution into effect; provided always, they shall not make the religious tenets of any pupil a condition of admission to any privilege in said Institution; provided also, that none of the by-laws shall be inconsistent with the Constitution and laws of the State, or of the United States.

SEC. 34. *Be it also enacted*, That all the actings and doings of the Board of Trustees appointed by this act, as well as of those who have preceded them, and acted in the capacity of Trustees so far as their acts have been for the promotion and benefit of the Institution, the acquisition of property, &c., be and the same are declared legal, valid, and regular, to all intents and purposes.

SEC. 35. *Be it also enacted*, That at a meeting of the Board, a quorum being present, said Board may in the absence of the President, name one of its members Chairman, whose acts shall be as valid as the acts of the President, and the acts of the Board under such circumstances shall be as regular and effectual as if the President had been present, and presided over the meeting.

SEC. 36. *Be it further enacted*, That all property belonging to said Institution, be and the same is hereby exempt from taxation.

SEC. 37. *Be it enacted by the authority aforesaid*, That J. J. Polk, J. P. Beasley, Jesse M. Shivers, Wm. R. Johnston, Charles Murphy, David McKeime, Thomas Taylor, Robert Scott, John Hart, Charles Beard, and James Avent, be and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the New Castle Female Institute," located in the county of Hardeman; the said Trustees shall have perpetual succession, and shall have power to fill vacancies which may occur by death, resignation, or otherwise.

New Castle Female Institute.

SEC. 38. *Be it enacted*, That said Trustees and their successors in office shall be capable in law to receive, purchase and hold to themselves and their successors forever, any lands, tenements, goods, and chattels, which shall be given, granted, or devised to them for the use of said Academy, and to use and dispose of the same in such manner as to them seems most advantageous to said Academy; and said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

SEC. 39. *Be it further enacted*, That said Board of Trustees shall have power to hold meetings at such time and place as they may think proper, elect a President, Secretary, and Treasurer, to select and elect Teachers, and to enact and adopt a constitution and by-laws for the government of said Academy. A majority of said Board shall be a quorum to do business and manage the interest of said Academy.

SEC. 40. *Be it further enacted*, That the President of said Board, and the Teachers when elected, shall be constituted a Faculty, and have full power and authority to cultivate and teach the arts, sciences and general literature, in their various branches, also to confer any degree of literary or scientific distinction or honor conferred by any female institution in the United States.

SEC. 41. *Be it further enacted by the General Assembly*, That Levi Wright, Robert Nesbit, R. B. Hutchinson, John Williams, James Knox, and John R. Pearce, be and they are hereby constituted a body politic and corporate, under the style and title of the "Trustees of the Bluff Springs Seminary," situated in Gibson county, and that said Trustees and their successors, shall have perpetual succession, and be capable in law or otherwise to purchase, receive and hold, to themselves and their successors, any goods, chattels, lands, or tenements, which may be given, granted, or devised to them, or purchased for the use and benefit of said Seminary; and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State or elsewhere.

SEC. 42. *Be it further enacted*, That the aforesaid Trustees and their successors, shall have power to hold such meetings, and at such times, and as they may think proper, to elect all necessary officers and professors, and fill vacancies in said Board whenever any may occur; provided always, that a majority of said Trustees shall be required to constitute a quorum to do business.

Bluff Spring
Seminary.

SEC. 43. *Be it further enacted*, That said Board of Trustees shall have power to make such by-laws, rules and regulations relative to said Seminary and the government thereof, as they may deem proper and right, provided they are not inconsistent with the Constitution and laws of the State of Tennessee.

SEC. 44. *Be it further enacted*, That the Officers, Professors, or Teachers, of said Institution shall, with the advice and consent of said Trustees, have power to confer on any student, or proper person or persons, any degree or honors that are known or conferred in any like institution in this State.

SEC. 45. *Be it further enacted*, That John Norman, B. F. Harrison, G. H. Prince, G. W. Holladay, Joseph Hammerly, Calvin Hamilton, Dr. A. Hawkins, J. W. Grizzard, B. J. Brown, and their successors in office, be and they are hereby incorporated under the name and style of the "Trustees of the Huntingdon Masonic Female Institute," and by that name may sue and be sued, plead and be impleaded, and have all the rights, powers and privileges, that are given to the Mary Sharpe College, at Winchester, Tennessee.

Huntingdon Masonic Female Institute.

SEC. 46. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 21, 1857.

CHAPTER 28.

AN ACT to legalize the marriage between Frederick R. Smith and Martha P. Dinkins, and to legalize their children, and for other purposes.

WHEREAS, A marriage was solemnized on the 9th day of October, 1852, in Lauderdale county, in the State of Tennessee, between Frederick R. Smith and Martha P. Payne, as appears of record in said county, when in truth and in fact the said Martha P. was named "Dinkins" and not Payne. Now therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the marriage solemnized between the said Frederick R. Smith and Martha P. Dinkins, on the 9th day of October, 1852, be legalized, and made valid, and that the children of the said Frederick R. and Martha

P. Smith be legitimatized and vested with all the rights and privileges that they would have been, had said marriage been valid originally.

Be it further enacted, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed December 21, 1857.

CHAPTER 29.

AN ACT to establish the "University of the South."

WHEREAS, Sundry citizens of the States of Tennessee, Arkansas, Georgia, North Carolina, South Carolina, Alabama, Louisiana, Texas, Mississippi, and Florida, contemplate establishing a University, to be located in the State of Tennessee, at a place which shall be conveniently accessible to the citizens of said State, which University is to be under the control and government of the Protestant Episcopal Church, subject to such rules, regulations, and restrictions as are hereinafter set forth: and *whereas*, the security of society, the supremacy of the law, the preservation of liberty, regulated by law, the perpetuity of our institutions and of the Union—all are, at least, dependent upon the prevalence of intelligence of the people and sound moral sense among them: and *whereas*, it is the interest of the State, and indeed of every State, to encourage the erection of Seminaries of learning, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James H. Otey, David Pise, Francis B. Fogg, John Armfield, Thomas Atkinson, M. Ashby Curtis, Thomas Ruffin, Thomas D. Warren, Thomas F. Davis, Alexander Gregg, J. L. Manning, Wm. Allston Pringle, W. H. Cobbs, Henry C. Lay, C. T. Pollard, L. H. Anderson, Wm. M. Green, W. W. Lord, Geo. S. Serger, Eugene Hinton, Leonidas Polk, W. T. Leacock, Geo. S. Guion, Wm. M. Mercer, J. W. Dunn, E. B. Nichols, J. E. Nicholson, Francis H. Rutledge, G. E. Fairbanks, Whitfield J. J. Scott, and such other person or persons as may hereafter be appointed Trustees of said University, in pursuance of the Constitution and By-Laws thereof, be and they and their successors are hereby constituted a body corporate and politic, in fact and in name, by the name of

"The University of the South," and by that name shall have perpetual succession and a common seal, and shall be capable in law of suing and being sued, and shall have power to purchase, receive by donation or otherwise, and to possess, hold, alien and dispose of property of all kinds and descriptions, to be held in fee simple or otherwise, subject, nevertheless, to such restrictions and conditions as are contained in this charter.

SEC. 2. *Be it further enacted*, That said Trustees shall have power to assemble at such time and place as may be designated by the President of the Board, for the purpose of organizing said Institution, and of forming a Constitution for the government of said University. A majority of said Trustees shall constitute a quorum for such purpose. Said Trustees shall have power in and by said Constitution to designate *how*, by *whom*, and in what way said University shall be governed; and said Constitution when adapted, may be altered or amended in such manner as may be provided for in said Constitution. Said Board shall keep a minute of their proceedings.

SEC. 3. *Be it further enacted*, That said Board shall meet at least once a year at the University, when the buildings are erected—but they may be called together, in extra session, in such manner as may be provided for in said Constitution, or by the By-Laws of said Institution.

SEC. 4. *Be it further enacted*, That said Trustees shall have power to appoint Committees (all the members of which shall not be required to belong to the Board of Trustees) to perform duties which may be delegated to them by said Trustees.

SEC. 5. *Be it further enacted*, That all subscriptions, donations, devises, or bequests, made upon the faith of the terms, conditions or stipulations set forth in the Constitution of said University, shall be governed thereby, and the subsequent change or alteration of said Constitution, shall not have the effect to alter the terms, conditions, or stipulations of said subscription, donation, bequest or devise.

SEC. 6. *Be it further enacted*, That said Trustees shall appoint a President, and shall have power, from time to time, to make by-laws and ordinances for the government of said University, not inconsistent with the Constitution thereof; and for the appointment of Professors and for other officers; and for regulating the duties and conduct of the officers, Professors and students, fixing the salaries of officers, &c., &c.; *Provided*, the same be not inconsistent with the Constitution and laws of this State or of the United States.

SEC. 7. *Be it further enacted*, That upon the death, resignation, or removal of any of said Trustees, the vacancy occasioned thereby shall be supplied in the mode provided by the Constitution.

SEC. 8. *Be it further enacted*, That said University shall have full power to establish Literary and Scientific Departments, and those of Law, Theology, and Medical Science, and such other departments as said University may see proper, and to confer upon students, or any other person, the Degrees of Bachelor of Arts, Master of Arts, or any degree known and used in any College or University; and shall enjoy all other powers and immunities incident to corporations of this description.

SEC. 9. *Be it further enacted*, That said University shall be established and located at Sewanee, on the Cumberland Mountain, in or near Franklin county, or at any other point that the Board of Trustees may hereafter designate in the State of Tennessee; the site to be selected by said Trustees, or by such person or persons as they may appoint, which site shall continue until changed by the Trustees according to the provisions of the Constitution.

SEC. 10. *Be it further enacted*, That said University may hold and possess as much land as may be necessary for the building, and to such an extent as may be sufficient to protect said Institution and the students thereof, from intrusion of evil-minded persons who may settle near said Institution. Said land, however, not to exceed ten thousand acres, one thousand acres of which, including buildings and other effects and property of said Corporation, shall be exempt from taxation, so long as said land belongs to said University.

SEC. 11. *Be it further enacted*, That no misnomer or misdescription of said Corporation in any deed, will, gift, grant, devise, or other instrument of contract or conveyance, shall abate or defeat the same, but that the same shall take effect in like manner as if the said Corporation were regularly named; *Provided*, it be sufficiently described to ascertain the intention of the parties.

SEC. 12. *Be it further enacted*, That this act be, and the same is hereby declared to be a public act.

SEC. 13. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 6, 1858.

CHAPTER 30.

AN ACT for the relief of Philip M. Kizer.

WHEREAS, At the September Term, 1857, of the Supreme Court of the State of Tennessee, sitting at Knoxville, a judgment was rendered against Philip M. Kizer, on a *scire facias*, as the security of D. M. Lindsay, for his appearance at the Circuit Court of Johnson county, and since the rendition of said judgment the said Kizer has arrested and surrendered the said Lindsay to the Circuit Court of said county, where the said Lindsay has been tried for the offence for which he was presented, therefore;

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Philip M. Kizer be and he is hereby released from the said judgment of the two hundred and fifty dollars, on his paying all costs in the said suit on the *scire facias* aforesaid.

SEC. 2. *Be it further enacted*, That if the said amount of two hundred and fifty dollars has been paid by the said Philip M. Kizer, it shall be the duty of the officer receiving said amount to refund the same, to the said Philip M. Kizer.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 6, 1858.

CHAPTER 31.

AN ACT to incorporate the Memphis and New Orleans Telegraph Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That H. A. Montgomery, Thomas H. Allen, R. C. Brinkley, and their associates, are hereby created a corporation and body politic, for the purpose of erecting and maintaining a Line of Telegraph from Memphis, Tennessee, *via* Grenada and Jackson, Mississippi, to New Orleans in the State of Louisiana, and of transmitting intelligence by means thereof, under the name and style of the "Memphis and New Orleans Telegraph Company."

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be twenty-five thousand dollars, and may be increased to fifty thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. *Be it further enacted*, That the affairs of said Company shall be under the management of a Board of Directors, consisting of three members chosen from among the stockholders, who shall hold their office one year or until their successors are appointed. That said Board of Directors shall elect one of their body President, whose official acts shall be binding upon the Company. Said Board of Directors may appoint a Secretary and Treasurer, or such other officers and agents, as they may deem proper and expedient for the management of the affairs and business of said Company.

SEC. 4. *Be it further enacted*, That said Board of Directors may exercise all such powers and privileges as may be necessary and convenient for the building said Telegraph Line, or the conducting, maintaining or managing the affairs of said Telegraph Company, not inconsistent with the laws of the State of Tennessee and of the United States.

SEC. 5. *Be it further enacted*, That every stockholder shall be entitled to one vote, for each share of stock he may hold in the Company, in the election of Directors.

SEC. 6. *Be it further enacted*, That the Telegraph Company hereby incorporated, shall have power in its corporate name of the Memphis and New Orleans Telegraph Company, to sue and be sued, to plead and be impleaded in any court of law or equity in this State having competent jurisdiction, to make and use a common seal, and the same to alter at pleasure, to purchase and hold such real and personal estate as the lawful purposes of the corporation may require, and may sell and convey the same at pleasure.

SEC. 7. *Be it further enacted*, That said Company shall have power to erect and maintain such side-lines as they may deem proper, at, and from any points upon the line of said route, or to consolidate the lines of this Company with any other lines in the United States, whenever a majority of the stockholders may desire and direct such consolidation.

SEC. 8. *And be it further enacted*, That it shall be a misdemeanor, punishable as misdemeanors are punishable at common law, for any person or persons to interrupt, by any means whatever, the operations of said Telegraph.

SEC. 9. *Be it enacted*, That this act shall take effect from and after its passage, and shall be deemed a public act.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 7, 1858.

CHAPTER 32.

AN ACT to establish Central University of the General Conference of the Methodist Episcopal Church, South.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joshua Soule, James O. Andrew, Robert Paine, George T. Pierce, John Early, H. H. Kavanaugh, A. L. P. Green, J. B. McFerrin, John W. Hanner, Wm. B. Campbell, Jonathan McDonald, W. R. Elliston, John P. Ford, Thomas L. Maddin, James C. Malone, and their successors, be, and they are hereby constituted a body corporate and politic, under the name and style of "The Board of Trustees of Central University of the General Conference of the Methodist Episcopal Church, South," and by that name may have perpetual succession, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and to have and use a corporate seal, which they may alter or change at pleasure, and do all and singular such acts as may, in their judgment, subserve the objects of their incorporation.

SEC. 2. *Be it further enacted*, That the General Conference of the Methodist Episcopal Church, South, shall have supervision over the above incorporated Board of Trustees; they shall have and possess the power of visitation, and also the power to fill vacancies in the Board by death, resignation or removal; and may at such times as they may see proper, require from the Board a statement of its general condition and prospects.

SEC. 3. *Be it further enacted*, That said Board of Trustees shall have power to acquire and hold real and personal estate, by purchase, gift, devise or bequest; to sell or exchange the same; to create Professorships, and endow the same; and to receive money or other property for the purpose, by gift, devise, or bequest; to invest the

money in stocks or otherwise ; to confer Diplomas and Degrees, such as are usual in Universities ; and shall enjoy all other powers and immunities incident to corporations of this description.

SEC. 4. *Be it further enacted*, That said Board shall hold stated meetings for the transaction of business, and shall elect such officers as they may judge necessary to the dispatch and convenience of business, and may adopt such by-laws and regulations as they may deem fit.

SEC. 5. *Be it further enacted*, That they shall have power to establish, at Nashville, a University, comprising an Academic or Literary Department, a scientific, and such other departments as they may see proper.

SEC. 6. *Be it further enacted*, That the Board of Trustees shall have full power and authority to prescribe the course of study and discipline in the above mentioned departments, and to elect from their own number, or otherwise, a President of the University, who shall be, *ex officio*, the President of the Board of Trustees ; and such other Professors, Tutors, and Assistants, in each of the foregoing departments as they may judge necessary ; and the said President, Professors, and Tutors, shall constitute the Faculty of the University, to whom shall be committed the superintendence of the course of study and discipline of the Institution.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Board of Trustees to attend all examinations of the students, and publish annually a report of the progress of the University, giving the names of the Officers and Trustees, number of students, &c., &c., and everything which they may think necessary to promote the cause of education and interests of the University.

SEC. 8. *Be it further enacted*, That a department for instruction in the various branches of Medical Science, to be located in the city of Nashville, is hereby incorporated under the name and style of "The Shelby Medical College of Central University of the General Conference of the Methodist Episcopal Church, South ;" the internal control and government of which is vested in the Faculty thereof, which is hereby created a body corporate and politic, with perpetual succession, and which shall consist of not less than five nor more than ten Professors, who shall be able and capable in law, of suing and being sued, of pleading and being impleaded, of acquiring and holding property, real and personal, for the purpose of their incorporation, and of disposing thereof ; of having and using a common seal, and of altering the same at pleasure ; of appointing their successors in office ; of electing from their

number such officers as they may judge necessary; and doing all and singular, such matters, acts and things as may tend to the advancement of Medical Science, subject to the confirmation of the Board of Trustees of the University.

SEC. 9. *Be it further enacted*, That the following named persons shall constitute the Faculty of said Department, viz: John P. Ford, Thomas A. Atchison, William P. Jones, Thomas L. Maddin, and John H. Callender, who are hereby invested with full power to fill all vacancies in making up the complement specified in section eight; and the provisions and rights granted under said section eight, shall appertain solely to the above named five persons, and their legally appointed successors.

SEC. 10. *Be it further enacted*, That in all matters pertaining to the purchase, donation, devise, or bequest of property, real or personal, for the use of said department, it shall be independent of the other departments, and of the Board of Trustees incorporated in section one, and the title to, and control of such property shall vest exclusively in the Faculty.

SEC. 11. *Be it further enacted*, That the Faculty may grant such honors and degrees as are granted by similar institutions in the United States; and may give testimonials thereof, under their corporate seal and signature, and that of the Board of Trustees of Central University; and the said testimonials or diplomas shall entitle the graduates of said College to all the privileges and immunities which, either by custom or statute, are allowed to the graduates of other Medical Schools.

SEC. 12. *Be it further enacted*, That no gift, grant, devise, bequest, or other transfer of property, to or for the use of said College, shall be defeated by any misnomer thereof, in the instrument evidencing the same; but on the contrary, every such instrument shall be effectual in law, if it sufficiently set forth the maker's intention thereby to devote the property therein named or described, to the advancement of Medical Science, under the direction of said College.

SEC. 13. *Be it further enacted*, That five members of the faculty shall be a quorum for the transaction of business, with power to enact by-laws and regulations for the government of the College.

SEC. 14. *Be it further enacted*, That nine members of the Board of Trustees of Central University, shall constitute a quorum to do business; and shall have power, in the intervals of the Sessions of the General Conference, to

fill all vacancies which may occur in their number, subject to the ratification of said Conference.

SEC. 15. *Be it further enacted*, That a Law Department is hereby incorporated, in which shall be taught all branches of Legal Science usually taught in the most approved schools in the United States.

Law Department.

SEC. 16. *Be it further enacted*, That the following named persons shall constitute a Board of Trustees of said Department, viz: Milton Brown, John S. Brien, Andrew Ewing, A. S. Colyar, of Winchester, Tennessee, Robert C. Foster, Sr., Charles W. Moorman, and Thomas Martin, of Pulaski, Tennessee, who are hereby made a body corporate and politic, with power to sue and be sued, to plead and be impleaded, to acquire and hold personal and real estate, for the benefit and use of said Department, and to dispose of the same, to have and to use a common seal, and change the same at pleasure.

SEC. 17. *Be it further enacted*, That said Board shall be invested with the internal supervision of said Department; they shall have the power to fill vacancies in their number, by death, resignation or removal; also, they shall have power to create and endow Professorships, and to elect the Faculty of said Department, and fill vacancies in the same; and they are also empowered to grant diplomas and confer degrees, such as are usual in similar schools; and it shall be their duty, from time to time, to report to the Board of Trustees of Central University, &c., &c., the condition and progress of their Department, and their acts shall be subject to confirmation by the Board of Trustees of the University.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 7, 1858.

CHAPTER 33.

AN ACT for the benefit of the Agricultural Bureau, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. G. Harding, T. Fanning, and F. R. Rains, Building Committee for the State Agricultural Bureau Fair Grounds, be and they are here-

by authorized to sell that portion of the land, originally bought for said Fair Grounds, now cut off by the street giving access to said Fair Grounds, being a fraction over four acres, either as a whole, or cut up into lots, as they may think best, on one, two, and three years time, and apply the proceeds of said sale to the payments; first of the balance due by them, for the improvement of said Fair grounds; and second, to such further improvements as the Bureau may think necessary, and giving said committee the full power to make valid titles to the same.

SEC. 2. *Be it enacted*, That the Bank of Tennessee be and is hereby authorized to discount such an amount of the notes obtained by said sale: *Provided*, said notes are well secured, and a lien is retained upon the lots sold by said Committee, as will meet the present deficiency due from said Building Committee, to various persons, for materials, or labor on said Fair Grounds.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 11, 1858.

CHAPTER 34.

AN ACT for the relief of Mrs. Anna Maria, Executrix of Dr. Boyd McNairy, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That two years be allowed Anna Maria McNairy, Executrix of Dr. Boyd McNairy, to pay a judgment of sixteen hundred and ninety-four and forty-eight hundredths dollars (\$1,694 48,) debt and interest upon the same, recovered by Neill S. Brown, Governor of the State of Tennessee, in the Circuit Court of the County of Davidson, against the said Boyd McNairy as security of John J. Hinton, upon giving good and sufficient security to the Judge of the Circuit Court of Davidson county.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 20, 1858.

CHAPTER 35.

AN ACT to incorporate Moristown Female Academy, and Duck River Male Academy, and to amend the charter of the Boon's Creek Male and Female Institute, and to incorporate the Union Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George Croft, Josiah Rhottan, Drury Morris, C. E. Carriger, N. F. Read, Samuel Huffmaster, and John B. Parker, and their successors in office, be and they are hereby constituted, a body politic and corporate, under the name and style of the Trustees of Morristown Female Academy, located in the town of Morristown, and that the Trustees, and their successors shall have perpetual succession, and be capable in law or equity, to sue and be sued, plead and be impleaded, in any of the courts or elsewhere, and the said Trustees, by the name aforesaid, shall be capable in law or otherwise to purchase, receive and hold, by gift or otherwise, to themselves, and successors, any real or personal estate for the benefit of said Academy, and to appropriate, use, and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of said Academy.

SEC. 2. *Be it enacted*, That the same Trustees, and their successors, shall have power to hold such meetings as may be agreed upon from time to time, by a majority of their body, to elect a President, Secretary and Treasurer, out of their number, and to fill all vacancies that may occur by death, or otherwise, but not less than a majority of said Trustees shall constitute a quorum to transact business.

SEC. 3. *Be it enacted*, That the said Board of Trustees shall have power to make such regulations in relation to said Academy, and the government thereof, and their own proceedings, as a majority may deem right and proper, provided they be not inconsistent with the Constitution and laws of this State.

SEC. 4. *Be it enacted*, That all the property held by the Trustees for the use of said Academy, shall be forever exempt from taxation of all kinds, for any purpose or by any authority whatever.

SEC. 5. *Be it further enacted*, That an Academy shall be and is hereby established, located in the vicinity of the town of Fairfield, county of Bedford, which shall be known and distinguished by the name of the "Duck River Male Academy," and the same shall be forever under the care and control of Duck River Association of Baptists.

SEC. 6. *Be it further enacted*, That a Board of Trustees having not less than twelve nor more than twenty members, is hereby created and constituted a body politic and corporate, to be known by the name of the Board of Trustees of the Duck River Male Academy, and by that name, to have a common seal and succession, and perpetuity as herein provided for, and to have and enjoy legal rights, and remedies, in as full and ample a manner as have other similar corporations in this State, the first members of which Board shall be E. A. Mosely, J. G. Barksdale, G. G. Osburn, A. H. Coffee, W. G. Miller, T. G. Mosely, Robert Buchanan, H. G. Ferguson, J. E. Scruggs, Lewis Tilman, J. Cleveland, and Alexander Kimbro.

SEC. 7. *Be it further enacted*, That said Board shall continue in office for one year, and until their successors are elected, and qualified as hereinafter directed. That the Duck River Association of Baptists shall, at its annual meeting in each and every year elect a Board of Trustees for Duck River Male Academy, to serve for twelve months or until their successors are elected; and the said Board, a quorum of five of their number being present, shall have power to fix and regulate the times of meeting, to fill vacancies until the next succeeding meeting of the Association, to elect and qualify its own officers, and the officers and professors, or teachers, for said Academy, to fix salaries, to remove officers, for mal-feasance, non-feasance of duty; to pass by-laws and statutes for their own government, consistent with the Constitution and laws of this State, and of the United States; and they are hereby invested with all legal powers and capacities, to pay, buy, receive, possess, hold, alien, and to dispose of any lands, tenements, and hereditaments of any kind, or value, in fee life, or a term of years, and personal property of any kind whatsoever, and any sums of money, or any amount whatsoever that may be granted, given or bequeathed to them for the use and benefit of said Academy.

SEC. 8. *Be it further enacted*, That the land on which said Academy building is now situated, and the buildings and other property of the corporation shall be exempt from taxation.

SEC. 9. *Be it further enacted*, That no misnomer, or misdescription of said Corporation, in any will, deed, gift, grant, demise, or other instrument of contract or conveyance shall vitiate or defeat the same, but that the same shall take effect in like manner as if the said Corporation were rightly named, provided it be sufficiently described to ascertain the intention of the parties.

SEC. 10. *Be it further enacted*, That the name of Laurence Bowers be inserted as an additional Trustee of the Boon's Creek Male and Female Institute, of the county of Washington.

Union Institute
SEC. 11. *Be it further enacted*, That Edward Cord, Leland Thurston, William Cunningham, Joseph Cunningham, G. W. Rogers, Rev. J. W. Thompson, Rev. James Parsons, and P. A. Mitchell, and their successors, be and they are hereby constituted a body politic, under their corporate name of the "Trustees of the Union Institute," in Hamilton county, with all the powers and privileges herein granted to the Trustees of the Morristown Academy.

SEC. 12. *Be it further enacted*, That whatever amount of funds belonging to the Transmontamia Academy, of Sumner county, as may remain withdrawn from the treasury, be and the same are hereby divided equally between said Academy and Howard Female Institute, in the county of Sumner, and that hereafter all monies which may be coming to said Transmontamia Academy, be and the same is hereby directed to be divided equally between said Academy and Howard Female Institute, and that the Board of Visitors of Howard Female Institute be authorized to draw and receipt for the portion which may be coming to said Institution.

SEC. 13. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 25, 1858.

CHAPTER 36.

AN ACT to incorporate the Tennessee Valley, Georgia, and Selma Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, For the purpose of constructing, keeping up and using a Railroad communication connecting with the Coosa and Chattooga River, Railroad of the Georgia at or near Opelika, Georgia, thence to a point on the Cleveland and Chattanooga Railroad at or near House's Camp Ground, in Hamilton county, Tennessee,

forming a connection with said railroad at that point, thence to a point on the Tennessee River at Harrison, Tennessee; thence across said river along the Tennessee Valley, to a connection at such point on the Danville, Kentucky, and Knoxville, Tennessee, Railroad, as the Company may select, and that the subscribers for the capital stock herein-after mentioned, and their assigns, shall be a body politic and corporate, under the name and style of Tennessee Valley, Georgia and Selma Railroad Company, and by said corporate name shall be capable in law to purchase, receive by gift, hold and convey real and personal estate, make contracts, sue and be sued, to make such by-laws, and do all other acts and things properly incident to such a corporation, and necessary for the completion of said railroad, and to have and use a common seal.

SEC. 2. The capital stock of said Company shall be three hundred thousand dollars for the construction of said road, to be divided into shares of one hundred dollars each. Books of subscription shall be opened at Harrison, and such other places, and for such times and for such length of time, as may be thought proper, by the following Commissioners, to wit: John T. Jones, F. G. Blacknell, William H. Lewis, D. C. Trenhitt, R. C. McRae, William Snow, and Thomas Sherley, of Hamilton county, Tennessee. The said Commissioners shall receive subscriptions for stock in said Railroad Company, as above provided for, until they have the sum of fifty thousand dollars subscribed, and at such time as they may select thereafter, organize and elect a President and Directors of said Company; first giving twenty days' notice in some newspaper published in said county, of the time and place, when and where each stockholder can attend in person, or by proxy, and vote. There shall be seven Directors chosen for said Company; each stockholder voting by ballot; and that each stockholder shall be entitled to one vote for every share owned by him; and that said Board of Directors shall choose one of their number as President of the Board, whose term of office shall be one year from the time of the election of the Directors; shall be held annually according to such by-laws as may be made for that purpose, and in case of a vacancy occurring in said Board, between the stated periods of election, the Directors, or a majority of them, shall elect from amongst the stockholders a person to fill such vacancy, and in case it shall so happen that the day of the annual election of Directors shall pass without any election being made, it shall and may be lawful on any other day to make such election, in such manner as may be provided for in the by-laws of the corporation,

and at the election of the first Board of Directors the Commissioners, or any three or more of them, shall proceed to conduct the election, and shall make a record of the proceedings of said election, under their hands and seals, and shall deliver, or cause to be delivered, to each of the Directors chosen, a certificate of his election. The said seven Directors, after their election by the stockholders, shall proceed immediately to the election of one of their number as President of their Board, whose duty it shall be to exercise such powers as such officers do in other and like corporations.

SEC. 3. After the Company chartered by this act shall be organized, the President and Directors shall be authorized from time to time to call on all the stockholders for the payment of such instalments on the shares subscribed as may be deemed necessary and expedient for the prosecution and completion of that portion of the said road extending from its connection with the Coosa and Chattanooga Railroad, at or near Opelika, Georgia, to Harrison, Tennessee, on the Tennessee River; and the first fifty thousand dollars subscription obtained by the Commissioners before named, shall be alone appropriated to that part of the said road above specified; and should the first fifty thousand dollars be insufficient for the construction of the road from Opelika to Harrison, then and in that case, such other amount of subscription as be necessary for the entire completion of the said portion of road, shall be appropriated. The Board of Directors shall give thirty days' notice in some one or more papers having the most populous circulation among the stockholders, by publication once a month, of the installments so required to be paid in, and the time and place of payment, and a failure on the part of any stockholder to pay or secure to be paid, according to the rules of the Company, any of the installments so called as aforesaid, shall induce a forfeiture of the share or shares, on which default shall be so made, and all payments thereon, and the same shall vest in, and belong to said Company, but may be returned to the owner or owners, by the Board of Directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon, or the Directors may waive the forfeiture after their default, and sue the stockholders for the installments due, at their discretion.

SEC. 4. The said Railroad Company shall have power to purchase, have, and hold, in fee simple, or for years, to themselves and their successors, lands, tenements or hereditaments, that they may find necessary, for the site on which to locate, run, and establish said railroad, and also

to purchase and to hold any lands contiguous to, or in the vicinity of said railroad, that they may find necessary for procuring all proper materials for constructing, repairing, or guarding and sustaining said railroad, and also all lands contiguous thereto that may be found necessary for the erection of toll-houses and storehouses, and other buildings for accommodation, that may be found necessary or useful to said Railroad or the business thereof, and on all rights of way on land, and all necessary privileges of water courses, that may be on, or across the route of said road, and the Company shall so construct said railroad across public roads or highways that may be on the route of said railroad, provided that the said Company shall so construct said railroad across all public roads, as not to obstruct the same.

Sec. 5. And in all cases where lands, or the right of way be required by said Company for the purpose aforesaid, the same shall be governed by the same rules and regulations as are laid down under the seventh section of the act of February 24, 1854, incorporating the Ringgold and Cleveland Railroad.

Sec. 6. The said Company shall be governed by the same rules and regulations relative to the transportation and conveyance of persons, produce and merchandise, and all other things along said road, as provided under section eight of the aforesaid act of 24th February, 1854.

Sec. 7. This Company shall have the sole and exclusive right to make, keep up, and use a railroad along the route hereinbefore designated, for and during the term of ninety-nine years, to be computed from the time when said railroad shall be completed, but after the expiration of the said ninety-nine years all the exclusive rights above granted shall then cease, yet the said Company shall continue incorporated, and be entitled to keep up said railroad according to the provisions of this charter, and for the purpose herein made.

Sec. 8. That in case fifty thousand dollars of the stock of said Company shall not be taken, and the work commenced within two years after the passage of this act, then the privilege and right herein granted are to be lost, and forfeited to said Company.

Sec. 9. That the power of making the by-laws of said Company, and appointing such officers, agents, and servants, as the benefit of the Company may require, shall be exercised and controlled by the President and Directors of said Company.

Sec. 10. That the Board of Directors shall make such rules and regulations, as to the transfer and issuing of

certificates of stock, as they may think best in their by-laws of said Company.

SEC. 11. Commissioners receiving subscriptions of money, or notes for stock, shall appoint a Treasurer who shall give bond with sufficient security for the forthcoming of all sums placed in his hands by said Commissioners, and in the event said Company should fail in constructing said railroad, all sums so received shall be returned to the stockholders, except what may have necessarily been spent.

SEC. 12. This Company may have full power and liberty to amalgamate, or unite with any other Company, in this, or any other State, so as to make one railroad, and one single Company, under one president and board of directors, and shall also have the power, through the President and Directors, to transfer this charter and stock, and the privileges granted in the same, to any other railroad company in this, or any other State; *Provided*, a majority of the stockholders should desire them to do so.

SEC. 13. *Be it further enacted*, That nothing in this act, shall be construed as granting any additional State aid to any railroad company, and nothing in the act shall be construed as repealing or abridging any privileges heretofore granted by the State of Tennessee to any railroad company, and nothing in this act shall be so construed as to give any further time to obtain State aid to any company entitled to the same by amalgamating with the Company hereby incorporated, or to increase the liability of the State in any way whatever, by said amalgamation.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 25, 1858.

CHAPTER 37.

AN ACT to establish two Civil Districts in the county of Sullivan, and to establish an additional District in the county of Dickson, and the Thirteenth District in Overton county, and to provide for opening the polls in each ward in the city of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That two additional Civil Districts, numbers seventeen and eighteen, be laid off and established in the county of Sullivan, in this State.

SEC. 2. Civil District number seventeen shall be comprised in the following boundaries, to wit: Beginning at the Virginia line on Steel's Creek, thence with the meanders of said Creek to Moore's Mill, thence in a straight line to the East Tennessee and Virginia Railroad, to the crossing of Joe's Branch, thence with the waters of the same to the Virginia line, thence with the Virginia line to the beginning.

SEC. 3. Civil District number eighteen shall be comprised in the following boundaries, to wit: Beginning at Shipley's Ferry on the north bank of Holston River, thence running with Shipley's Ferry Road to Cinder Gunning's, thence with stage road to David Erwin's lane, thence south, running with David Erwin's lane, to John B. Hamilton's, on the old stage road from Blountsville to Jonesborough, thence south with said old stage road including the farm and residence of David Ekard, to Thomas Crawford's branch, thence with said branch to Mrs. Jane Hall's fence across said branch, thence a straight line to Abram Cox's Spring branch, including Richard Yoakley and Abram Cox in the bounds of the district, thence with Abram Cox's spring branch to the Holston River, thence across the river a straight line to James Hall's upper ford in the Watauga River, thence with the Watauga River to the junction with the Holston River and its meanders to Shipley's Ferry, the beginning.

SEC. 4. The place of holding elections in district No. seventeen, shall be in the town of Bristol, in said district; and the place of holding elections in district No. eighteen, shall be at Peter Yoakley's Store, in said district.

SEC. 5. There shall be two justices of the peace and one constable elected in each of the aforesaid districts, by the qualified voters therein.

SEC. 6. The Sheriff or Coroner of Sullivan county shall, on the first Saturday of March, 1858, open and hold an election for justices of the peace and constable in each of said civil districts, at places hereinbefore designated, after having given ten days' notice thereof, by advertisement at three of the most public places in the respective districts.

SEC. 7. That the Sheriff or Coroner of said county of Sullivan, as the case may be, shall, by and with the advice of some justice of the peace of said county, appoint three judges and two clerks of each of said elections provided for, previous to opening the polls, who shall be duly qualified by a justice of the peace or officer holding said election. The polls to be opened at 10 o'clock, A. M., and closed at 4, P. M. Upon comparing the whole of the votes in each district, those persons having the highest number of votes

for constable shall be declared elected constable for their respective districts, and those having the highest number of votes for justice of the peace, shall be declared duly elected justices of the peace for said districts. Should there be no election of justices of the peace or constables by reason of two or more of the candidates for justice of the peace or constable having the same number of votes, in such case, the Sheriff or Coroner, as the case may be, shall immediately proceed by advertisement of ten days, and hold again an election in said district or districts, for said justice or constable, as the case may be, until said office or offices shall be filled.

SEC. 8. Justices elected under this act shall receive a certificate of election as in other cases, shall be commissioned by the Governor, and have their commissions filed in the County Court of Sullivan, and be qualified as other justices of the peace, and then enter upon the discharge of their duties, as other justices of said county. Constables elected under this act, on the certificate of their election shall give bond and security and take the oaths as now prescribed by law in cases of constables.

SEC. 9. The election of justices of the peace and constables for said districts, shall take place on the expiration of their term of office under the law as it now stands, and all vacancies, caused by resignation removal or death, before the expiration of their term of office, shall be filled in the manner now prescribed by law in cases of constables.

Dickson county. SEC. 10. *Be it further enacted*, That the County Court of Dickson county be and they are hereby authorized, empowered and directed, to lay off a civil district in said county out of the fractions of the fourth, sixth and seventh districts, in said county, either by appointing commissioners or otherwise; and such district, when laid off, shall be entitled to all the officers' rights and privileges of the other districts in said county of Dickson.

Overton county. SEC. 11. *Be it further enacted by the General Assembly of the State of Tennessee*, That the Thirteenth Civil District be, and the same is hereby established in the county of Overton. The following boundaries to constitute said District: Beginning on Obed's River, at the head of the island near S. T. Keens', thence a direct course to Matthew Davis', on the dividing ridge between Mitchell's Creek and Iron's Creek, thence a direct line to the Burkeville road, near Silas Mainard's, thence with said road to the line of the Seventh District, thence in a southern direction to S. D. Mainard's, thence so as to include the farms of S. D. Mainard, Lewis Mainard, and Hardy Pierce, thence westwardly from the said Pierce's to the Celina

road, so as to include the Garrett neighborhood, thence with said road to a point opposite what is called the Kyle Branch, thence a direct line from said road, down Kyle's Branch so as to include the same, to the river, thence with the meanders of the river to the mouth of Lickrun Branch, thence a direct line across the ridge to the river, thence with the river to the beginning, including parts of the third, fourth, seventh, and eighth districts.

SEC. 12. *Be it further enacted*, That the first election for officers of said district shall be held at Fox Springs, in said district on the first Saturday in March next, at which time and place the qualified voters of said district shall by vote permanently locate the place of voting in said district, and that all provisions of the fifth, sixth, seventh and eighth sections of this act shall apply to the Thirteenth District in Overton county.

SEC. 13. *Be it further enacted*, That the charter of the city of Memphis, in the county of Shelby, be so amended that in all elections hereafter, the polls shall be opened and election holden in each ward of said city, the judges, clerks, &c., for holding said election shall be appointed and the place for receiving votes designated in the same manner as provided by existing law for the places already designated. City of Memphis

SEC. 14. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 25, 1858.

CHAPTER 38.

AN ACT to give to the Memphis, Clarksville, and Louisville Railroad Company the farther time of two years to bring themselves within the provisions of an act passed 11th of February, 1852, entitled, An act to establish a system of Internal Improvements in this State, and the acts amendatory thereto.

WHEREAS, It appears that the first section of thirty miles of said Memphis, Clarksville and Louisville Railroad Company, beginning at the Kentucky State line, is under contract, and that it requires for the construction of the

same an amount of labor and expenditure greatly more than that on any other section of the said road, from the facts that in the construction of the same it is necessary to prepare the road-bed over the most broken and hilly portion of said line, at one point requiring a tunnel through a hill of considerable magnitude, and at other points the erection of bridges over two navigable streams, besides the building of at least one mile of trestle-work, in getting over the valleys of said streams to the adjacent highlands; and it further appears that said Company have expended a large amount of money (not less than two hundred thousand dollars) in grading and preparing said section; and whereas, from the present pecuniary embarrassment of the country, said Company cannot complete said sections within the time allowed them by law, without a wasteful sacrifice of their means, most of which consist of county and corporation bonds; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of the act passed 26th of November, 1855, entitled, "An act to amend an act passed 11th of February, 1852, chapter 151, entitled, An act to establish a system of Internal Improvements in this State," be so amended as to allow the said Company the further time of two years from the expiration of the time heretofore allowed said Company to bring themselves within the provisions of said act, and the acts of which said act is amendatory, and all other acts amendatory of said act passed 11th of February, 1852.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 26, 1858.

CHAPTER 39.

AN ACT to charter the town of "Spring Creek;" to amend the charter of Alexandria, and to amend the act incorporating the town of Harrison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens of the town of Spring Creek, in the county of Madison, are hereby incorporated by the name of the Mayor and Aldermen of "Spring

Creek," may sue and be sued, contract and be contracted with, hold real and personal property, assess taxes to improve the streets, and pass all ordinances for the good order and benefit of the town.

SEC. 2. *Be it enacted*, That there shall be elected by the qualified voters of said town, a Mayor and six Aldermen, who shall hold their offices for twelve months, and until others are elected; and it shall be the duty of the Sheriff of said county by himself or deputy, to advertise and hold the first election; that the said board of Mayor and Aldermen may appoint a constable to execute all corporation business as may be necessary, and after the first election shall thereafter hold the elections as provided in this act, give security in any sum that may be designated by the board, for the performance of this duty.

SEC. 3. *Be it enacted*, That five of the Aldermen shall constitute a board to perform all business; they shall keep a record of the proceedings, and shall have power to make all by-laws and ordinances necessary for the benefit and order of said town, not inconsistent with the laws of this State.

SEC. 4. *Be it enacted*, That the boundaries of said town shall be as follows: Beginning at an oak, with persimmon pointer, on the waters of Spring Creek, running in a northerly direction to the corner of Dr. J. C. Rodgers' fence on the Trenton road to a large sugar tree, thence north with the fence on the east side of said Rodgers' plantation to Jno. L. Moore's line, thence east with said Moore and Rodgers' dividing line, to the stage road on John S. Hill's north-east corner, thence on the east side of the stage road to the Lexington road, thence in a southerly direction to the waters of Spring Creek, so as to exclude the old Presbyterian church, thence down said creek with its meanders, to the place of beginning.

SEC. 5. *Be it enacted*, That the first election under the provisions of this act shall be held by the Sheriff or his deputy, on the first Saturday in March next, and after that time on the first Saturday in January, in every year.

SEC. 6. *Be it enacted*, That the Mayor of said town shall have full power and authority to try all cases of violations of the laws of said town, and adjudge the penalties prescribed by the laws made by the board of Mayor and Aldermen, under this act of incorporation.

SEC. 7. *Be it enacted*, That an act under the caption of "An act to extend the corporate limits of the town of Winchester char. amend." containing the charter of the town of Alexandria, passed January 31st, 1848, that the same is hereby amended, as follows:

Sheriff of De Kalb
county.

SEC. 8. *Be it enacted*, That so much of section tenth of said act as imposes a penalty of fifty dollars on the Sheriff of De Kalb county for failure to hold the corporation elections, be and the same is hereby repealed.

SEC. 9. *Be it enacted*, That the twelfth section of said act, defining the boundaries of said corporation, be and the same is hereby repealed, and the following clause is adopted in its stead, to wit: Beginning on a stone corner on the south bank of Hickman's Creek, near the mouth of a lane between the lands of William Floyd and James Goodner, running in a southerly direction, with the eastern side of said line, to the north-eastern corner of an improved lot owned by Aaron Botts, deceased, thence in the most direct course (a southerly direction) to the south-eastern corner of a lot, on which Richard Duncan lately resided, and at present owned by Giles Bouers; thence west to the Lebanon and Sparta Turnpike, thence with said turnpike to H. Bowers' Neusom tract of land; thence westward with the line of said tract of land, to the eastern boundary of the lands of O. D. Williams; thence north with said boundary to an ally between said Williams and John Minor and others; thence with said ally in a westerly direction to a stone fence, west by Church street, belonging to the said Williams; thence with said stone fence to its northern end, near the north-west corner of the Methodist parsonage lot, thence in the most direct line to the end of a stable of said Williams; thence due west passing the southern boundary of J. T. Hollis and others, to the south fork of Hickman's Creek; thence down the same with its meanders to the main Hickman's Creek; thence down the meanders of the main Creek to the beginning.

SEC. 10. *Be it enacted*, That the mayor and aldermen of said town shall employ a competent surveyor, who shall run out and mark more perfectly the boundaries of said town, and shall make a plot of the same; one copy of which shall be deposited with the county court clerk of De Kalb county, and one copy with the Recorder of said town, both copies to be certified by the surveyor.

SEC. 11. *Be it enacted*, That the citizens within the corporate limits of said town of Alexandria, be and the same are hereby authorized to elect a justice of the peace, whose powers shall be the same as those of other justices of the peace; the first election for which shall be on the second Monday in May, and shall be held by the sheriff, or his deputy, of De Kalb county.

Harrison corpo-
ration amended.

SEC. 12. *Be it enacted*, That the act incorporating the town of Harrison, in Hamilton county, be so amended as to extend the limits or boundary line of said corporation

a half mile each way from the court house in said town, provided that no lands outside of the original corporate limits of said town which is not laid out in town lots, shall be taxed for corporate purposes, until the same shall have been laid out into lots, to be used as town lots.

SEC. 13. *Be it enacted*, That said act be so amended as to give the Mayor and Aldermen, Recorder and other officers of said corporation, the same jurisdiction and powers that the Mayor and Aldermen, and other officers of the city of Chattanooga have, and be governed by the same rules and regulations, so far as their by-laws may agree.

SEC. 14. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives

JOHN C. BURCH,
Speaker of the Senate.

Passed January 28, 1858.

CHAPTER 40.

AN ACT to authorize the building of the Mt. Pleasant and Hampshire Turnpike road ; to incorporate the Beersheba Springs and Tracy City Turnpike Company ; to incorporate the Statesville and Gainesville Turnpike Company ; to revive the Charter of the Spring Hill and Lewisburg Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mt. Pleasant and Hampshire Turnpike Company, as organized under the act passed 7th of February, 1850, and the act amendatory thereto, passed 10th of January 1854, are hereby authorized to build a turnpike road from the town of Mt. Pleasant, in Maury county, Tennessee, to Hampshire, in said county.

SEC. 2. The bed of said road shall be twenty-four feet in width ; sixteen feet thereof shall be of gravel or broken stone, nine inches deep in the center and tapering to four and a half inches on the sides. The grade of said road shall be no more than five degrees of a level.

SEC. 3. Said Company shall have authority to place one toll-gate between Mt. Pleasant and Hampshire, provided the distance between said points is not less than six miles. Said gate shall not, however, be placed nearer either place than one mile and a half.

SEC. 4. In locating their said road, building the same, collecting toll, and in all other things, said Company shall

have all the rights, privileges, immunities, &c., and be subject to all the liabilities, penalties, &c., given to and required of companies which may be organized under said acts of February 7th, 1850, and January 10, 1854, and other acts amendatory thereto: *Provided*, that said Company shall pay damages to any person through whose land said road runs, the damages to be assessed by a jury.

Memphis and
Somerville Turn-
pike Company.

SEC. 5. *Be it further enacted*, That the charter of the Memphis and Somerville Turnpike Company be so amended as to allow said Company hereafter to keep their road in good repair as a dirt turnpike, and they shall not be required to cover any part of their road with plank except the bridges, and culverts on said road.

Carthage, Alex-
andria and Red
Sulphur Springs
Turnpike Com-
pany.

SEC. 6. *Be it further enacted*, That the further time of one year be given to the Carthage, Alexandria and Red Sulphur Springs Turnpike Company to complete their road.

Beersheba
Springs and Tra-
cy City Turnpike
Company.

SEC. 7. *Be it further enacted*, That John Armfield and M. A. Price and their associates shall be and are hereby constituted a body politic and corporate by the name and style of the Beersheba Springs and Tracy City Turnpike Company, and by that name they shall sue and be sued, plead and be impleaded, may have and use a seal, and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate, by law, for the term of thirty years, and shall have succession.

SEC. 8. The capital stock of said Company shall be fifteen hundred dollars, with the privilege of increasing the same to five thousand dollars, should said Company deem it necessary, and so desire, to complete said road; which sum shall be divided into shares of ten dollars each, to be applied to the construction and keeping in repair said road.

SEC. 9. William C. Hill, James M. Bouldin, William P. Barnes, S. P. Tipton, John Northcutt, William D. Dorris and Daniel Fults are hereby appointed commissioners to open books and receive subscriptions for stock in said Company, any three of whom are hereby empowered to do the same at such times and places as they may deem most suitable; said books to be opened within six months from and after the passage of this act. Such subscription may be made in money, materials or labor. If in material or labor, the same to be made at its cash valuation, to be ascertained by disinterested persons, which shall be deemed so much stock in said Company. Said road to commence at Beersheba Springs, on the top of Cumberland Mountain, in Grundy county, running thence by way of Altamont to Tracy City, at the terminus of the Sewanee Railroad in said county. Said Company in laying out said

road, may, at their option or selection, run the road over the present road bed from Beersheba Springs to Altamont, and from Altamont to Tracy City, on the route laid out and partly built by order of the County Court of Grundy county, or change the same wherever they may think it best to do so.

Sec. 10. Whenever five hundred dollars of said capital stock shall have been subscribed, a meeting of the stockholders may be called at Beersheba Springs, of which due notice shall first be given by written advertisement at Tracy City, Altamont and Beersheba Springs, posted up at least ten days prior to said meeting; and when said stockholders shall have assembled, they may proceed to elect three Directors, who shall be stockholders, any two of whom shall constitute a quorum to do business, to pass by-laws and organize the Company, and commence the construction of said road, and shall have power to employ an engineer to lay out said road and mark the same, whenever necessary, or deemed so, by said Board of Directors.

SEC. 11. Said Directors at their first meeting shall elect one of their body President, secretary and treasurer, if deemed necessary, who shall hold their offices for the term of two years from the date of their election and until their successors are appointed; and said election shall be held every second year after the first election, on the first Saturday in January, or at such other time as may be thought best by said Company, if failed to be done then. The President shall give at least ten days notice in writing, posted up at conspicuous places, of the time and place of holding said election, and in such election each stockholder shall have one vote for each share of stock subscribed by him or her, and it shall be the duty of said President and Directors, to have the said road constructed and shall have the entire control and management of the same.

SEC. 12. *Be it enacted*, That said road shall be a dirt turnpike, and constructed in the following manner: the road to be graded so as not to exceed ten feet in every one hundred in length, the grade to be made regular from the foot to the highest points of ascent; not to be less than twenty feet wide, except where, from the nature of the road bed and the surrounding circumstances, it is impracticable; then, in that case, not less than fifteen feet, clear of all obstructions, thrown up to the center on all the hill sides, sufficiently high to throw the drains on each side, as well as at all points on the same, where it is liable to become muddy from standing water; and where necessary to be well ditched on each side of said road, as well as

culverts under the same to drain and keep said road free from standing water; to construct a suitable and safe bridge across Big Creek, with good and safe abutments to the same, and to build suitable bridges and causeways on all other creeks, branches and swamps on said road, where, from the nature of the circumstances, it may be necessary.

SEC. 13. When said road shall have been constructed, in manner and style as provided for in section twelve of this act, the said President and Directors shall have power to erect a toll-gate at any point on said road south of where the Chattanooga road, leading from Altamont, leaves the same, at which gate the following rates of toll may be charged and collected, to wit: fifty cents for all the two horse pleasure carriages, and loaded four horse or ox wagons, and if empty, half price; twenty-five cents for all one horse pleasure carriages; twenty-five cents for every two horse, or ox wagon, or cart, and if empty, fifteen cents; twenty-five cents for every loaded one horse or ox wagon, carryall or cart, and if empty, ten cents; ten cents for every single horseman or beast of burthen, and one cent per head for all loose stock. *Provided*, That the citizens of Grundy county may pass to and fro over said road and, through said gate, with their carriages, carts, vehicles and stock, at all times, free of toll.

SEC. 14. William C. Hill, L. D. Mercer, and John Northcutt, are hereby constituted Commissioners, any two of whom may act, who shall, at the request of the President and Directors of said Company, on their reporting that said road has been completed, go over and examine the same, and if they shall find said road to be constructed and in the condition as provided in the twelfth section of this act, receive the same and give a certificate of that fact to the said President and Directors, and said President and Directors shall not be authorized to erect a toll gate and charge toll at the same on said road, until they shall first have obtained the certificate as aforesaid.

SEC. 15. For the purpose of constructing and keeping in repair the said road, the Directors or their agents may cut, dig or quarry, and take from the lands of any person or persons, within one mile of said road, such, and so much timber, rock or gravel, as may be necessary for said purpose. And if any person, over whose lands said road shall pass, or from whose lands such material may be taken, shall desire compensation therefor, and in the event they cannot agree with the said Directors, as to the damages done their lands, or the value of such materials, he, she or they, may apply to the nearest magistrate in the county, whose duty it shall be to appoint three disinterested persons,

they being freeholders, whose duty it shall be to estimate the damages of such land, if any, and the value of such material, and make out a report or certificate thereof, in writing, upon oath, to the injured party or parties, always taking in view the advantages and disadvantages of such road to said lands, in making such assessment of damages, if any, or valuation of materials, and if any the same may be recovered before any tribunal, having cognizance of the same. *Provided*, that no person or persons shall be allowed damages for their lands, where the old road bed is used by said Company, and that either party may have the right of appeal.

SEC. 16. Should said road not be kept in repair for the space of twenty days in succession, as required by the twelfth section of this act, it may be lawful for any person to apply to a justice of the peace, of said county, in the vicinity of said road, and inform him of the fact, and it shall be the duty of said justice to appoint three disinterested persons, resident and freeholders of the county, who shall go over said road, or that portion of the same, complained of, and examine the same, and make report, under oath, of the condition of said road to said justice, any two of whom may perform the duties aforesaid, and if they report that said road is not in good repair as required by this act, the said justice of the peace shall direct the Sheriff or any constable of the county, to open the toll-gate, and stop the collection of tolls thereat until the same shall be put in good repair, the fact of which, to be ascertained by the report of at least two freeholders as aforesaid, appointed by some justice of the peace of said county, at the request and cost of the President and Directors of said Company, as well as the cost of causing said gate to be thrown open. But, if it should appear from the report of said freeholders, that said road has not been for fifteen successive days out of repair, as provided in this act, the cause shall be dismissed at the cost of the informant.

SEC. 17. If any person or persons shall neglect or refuse to pay the toll hereby granted, the toll-gatherer may lawfully refuse said person or persons a passage through said gate; and if any person or persons shall force his, her or their way through said gate without paying the toll aforesaid, or shall in traveling said road, go round the gate for the purpose of evading the payment of the tolls, as provided in this act, the toll-gatherer or any other agent of the Company, may, by warrant, recover from such person or persons the sum of five dollars for each and every such offence, for the use of the Company.

SEC. 18. The stockholders shall have the right of trans-

ferring their stock by sale, gift or otherwise, as they may desire, and the assignee of said stock so transferred, shall be entitled to all the rights, privileges and immunities, and subject to all the restrictions and liabilities of the original members of the Company.

Spring Hill and
Rally Hill Turn-
pike Co.

SEC. 19. *Be it further enacted*, That the charter of the Spring Hill and Lewisburg Turnpike Company, as contained in the act of incorporation, passed March 1st, 1854, chapter 272, sections 35, 36, 37, 38, 39 and 40, be and the same is hereby revived and put in full force, with the following additions and restriction, to wit: 1st. The name and style of said corporation shall hereafter be the Spring Hill and Rally Hill Turnpike Company. 2d. Instead of the Commissioners appointed in the 35th section of said last mentioned act, W. P. Parham, James H. McBlair, J. W. Brown, W. H. Dodson, B. F. Crockett, Duncan McRae and F. A. Thompson, be and they are hereby appointed Commissioners with all the powers and privileges vested in said original Commissioners. 3d. Said Company shall have the time of six years, from and after the passage of this act, within which to begin and complete the building of their said road.

Statesville and
Cainesville Turn-
pike Company.

SEC. 20. *Be it further enacted*, That William A. Jennings, Dr. W. H. Meconnekin, Thomas C. Word, T. B. Harris and C. C. Craddock, or any three of them, are hereby appointed Commissioners, to open books at any time and place they may think best for the subscription of stock, which shall be used in building a turnpike road, beginning at Statesville, crossing the ridge at Frederic Pennel's or near T. M. Allerson's, intersecting the Cainesville and Valley road at any point north of Cainesville.

SEC. 21. So soon as three thousand dollars shall have been subscribed, a meeting may be held at any time and place said Commissioners may designate, of which meeting, twenty days' notice shall be given in writing, at Cainesville and Statesville. Said stockholders shall then, or at some subsequent meeting by them appointed, elect a board of five directors, who shall be stockholders, and who elect a president and such other officers as they may think necessary.

SEC. 22. Said subscribers for stock when thus organized shall constitute a body corporate, by the name of the Statesville and Cainesville Turnpike Company, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and make all necessary rules and regulations for the successful operation of said Company.

SEC. 23. Said Company shall make said road not less than twenty feet wide, sixteen feet of which shall be made

of stone or gravel in such a manner as to secure a firm, substantial and smooth road, with all necessary bridges and culverts. Said road shall be graded within five degrees of a level.

SEC. 24. Said Company shall have all the powers and privileges granted to the Davidson and Wilson County Central Turnpike Company, chartered at the present session, and be governed by the same rules, regulations and liabilities so far as may be applicable to and not conflicting with the provisions of this act.

SEC. 25. *Be it further enacted*, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Port Royal Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, for the space of ninety-nine years, and shall have succession.

SEC. 26. The capital stock of said Company shall be a sum sufficient to construct said road, divided into shares of twenty-five dollars each. Thomas J. Munford, John S. Hart and W. P. Hume, of the county of Montgomery, be and they are hereby appointed Commissioners to open books at any time and place they may deem proper, for the subscription of stock.

SEC. 27. So soon as two thousand dollars of the stock shall be subscribed for in cash or work, any two of said Commissioners shall call a meeting of the stockholders of said Company at such place as they may deem best, by giving them ten days' notice of the time and place of meeting; and at such meeting, the subscribers for stock shall elect seven Directors, who shall elect one of their number President, and who shall hold their offices for two years, and until their successors are elected, and they shall have power to fill all vacancies, two-thirds being present.

SEC. 28. The President and Directors shall have all the power and privileges and perform all the duties necessary to letting out contracts, for the construction of said road, appointing its necessary officers, receiving subscriptions, and disbursing the funds of said Company, together with the general superintendence of constructing the road, erecting toll-gates and otherwise governing and controlling the affairs of said road.

SEC. 29. The President and Directors, or a majority of them, or such other persons as they shall appoint, shall designate and mark out the route of said road, commencing

at Clarksville, or at, or near some point on the Clarksville and Port Royal Turnpike road, or at, or near the turnpike road leading from Clarksville to Greysville, running thence to Port Royal, with power to continue the same in the direction of Turnersville, or Springfield, or across Red river, in the direction of the State line.

SEC. 30. Said road shall be graded twenty-five feet wide and within five degrees of a level, and covered with finely beaten stone or gravel, twelve feet wide and nine inches deep, and wider than twelve feet, and deeper than nine inches, if the Directors so order.

SEC. 31. Said road may erect a gate, and charge and receive tolls at the same rates prescribed and allowed to the White's Creek Turnpike Company, so soon as they shall have completed five miles of said road; and whenever said road shall be completed to Port Royal, and a bridge erected across Red river and Sulphur Fork, said road may erect two gates in all, and charge and receive toll at each gate, at the same rates prescribed and allowed to the White's Creek Turnpike Company.

Hyde's Ferry
Turnpike Com-
pany.

SEC. 32. The Directors of the Hyde's Ferry Turnpike Company, shall be authorized to change the location of their road, where they may deem that the interests of the Company demand it, and to extend their road from Sycamore Mills to intersect with the Paradise Hill and Clarksville Turnpike road, and from thence in the direction of Port Royal, in Montgomery county, and the Directors may reduce the grade of their road to eighteen feet in width, and may establish such ferries as they may deem necessary, and erect a toll-gate for every ten miles of graded road.

SEC. 33. *Be it further enacted*, That the act of February 26th, 1852, chapter 328, amendatory of an act passed December 18th, 1849, chapter 14, be and the same is hereby so amended as to permit said Directors to locate said road from Mooresville, in the county of Marshall, in the direction of Lynnvile, in Giles county, to the Central Southern Railroad; and that said Company may, if they choose, commence at said point on said railroad, and when five miles of said road shall have been completed, they may put up one gate at any point not nearer than one mile to said railroad. Said Company shall have four years to complete said road.

SEC. 34. Nothing in this act contained shall be so construed as to grant State aid to any of said roads.

Railroad trains to
stop at intersec-
tions.

SEC. 35. *Be it further enacted*, That it shall hereafter be the duty of all trains, on each and every railroad in this State, when they arrive at the point of intersection with any other road, to stop their respective trains at least

fifteen minutes, for the purpose of enabling passengers, baggage and freight to be transferred from one train to another.

SEC. 36. Any railroad company failing or refusing to comply with the provisions of this act, shall be liable to pay to any person aggrieved thereby, a sum not exceeding one hundred dollars for each and every offence, to be recovered by action of debt before any tribunal having jurisdiction thereof.

SEC. 37. This act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed December 8, 1857.

CHAPTER 41.

AN ACT for the relief of the Memphis and Ohio Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the act passed November 16, 1855, as requires the Memphis and Ohio Railroad to be located by the town of Trenton, in Gibson county, and so much of the act passed February 21, 1856, as requires said road to be graded from Trenton to the Carroll county line, in the direction of Paris; and so much of the act passed February 23, 1856, as requires said road to be located by the town of Trenton, and all other acts providing that said road be located by Trenton, be, and the same are hereby repealed; and the other provisions, restrictions, benefits and liabilities of said act be in full force and effect to the same extent, as if this act had not been passed. *Provided*, they shall use no more of said one hundred thousand dollars, than shall be necessary to complete the bridges alone, and nothing more of said aid shall be used; *Provided, further*, that fifty thousand dollars worth of said bonds shall not issue, until said road is graded to the Obion river, near McLemoresville, in Carroll county.

SEC. 2. *Be it further enacted*, That the act passed February 21, 1856, section 9, granting bridge aid to the Winchester and Alabama Railroad Company, between the

main line and the town of Fayetteville, in Lincoln county, be so amended as to authorize the Company to receive the State aid granted to said bridge, in the same manner as other bridge aid is received in the State; *Provided*, nothing in this act shall be so construed as to grant any further State aid than that already granted in the aforesaid act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed January 29, 1858.

CHAPTER 42.

AN ACT to Charter the Greenville and North Carolina Railroad Company; to amend the charter of the Eagleville, Unionville and Shelbyville Turnpike Company, and to incorporate the Mississippi River Railroad Company, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by railroad, from some of the railroads now built, or in the course of construction in the State of South Carolina, or North Carolina, along the Frenchbroad valley, across the western part of the State of North Carolina, so to effect a direct connection between one of said roads in South Carolina, or North Carolina, and the East Tennessee and Virginia Railroad, at Greenville, in East Tennessee, the formation of a company is hereby authorized, which when formed, shall be a body corporate, by the name and style of "The Greenville and North Carolina Railroad Company," and by said corporate name shall be capable in law to buy, receive by gift, hold, sell, and convey, real and personal estate, as hereinafter provided; make contracts, sue and be sued, to make by-laws, and to do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to use a common seal and the same to alter and destroy at its pleasure, and shall have perpetual succession of members, as hereinafter provided.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said Company, John Mc-

Gaugey, David T. Patterson, W. M. Lowry, John A. Brown, William Girdner, David Devault, Ephraim Link, Robert Johnson, James P. McDowell, Geo. W. Foute, and John P. Snapp, are hereby appointed Commissioners, with power to open books for the subscription of stock, at such times and places, and under the direction of such persons as they, or a majority of them may deem proper; and the said Commissioners shall have power to appoint a Chairman of their body, Treasurer, and other officers; and to sue for and recover all sums of money that ought, under this act, to be received by them.

SEC. 3. *Be it further enacted*, That all persons who may be authorized to open books for the subscription of stock, by the Commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this act, twenty days' previous notice having been given in some one or more of the public newspapers in the State in which they propose to open said books, and that the said books when opened, shall be kept open for the space of thirty days at least, and as long thereafter as the majority of the Commissioners first above named shall direct, and all subscriptions of stock shall be in shares of twenty-five dollars, the subscriber paying at the time of making subscription, discretionary with a majority of the Commissioners, one dollar on each share subscribed, to the person or persons authorized to receive such subscriptions, and in case of failure to pay said sum, all such subscriptions shall be void, if the Commissioners choose to declare it so, or they may direct it to be recovered by suit, or otherwise; and upon closing the books all such sums as shall have been thus received of subscribers, shall be paid over to the General Commissioners hereinbefore named, by the person receiving them; and for failure thereof, such person, or persons shall be personally liable to said General Commissioners before the organization of said Company, and to the Company itself after its organization, to be recovered in any court in the county in which such delinquent resides, having competent jurisdiction. Said General Commissioners shall have power to require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of stocks by them respectively received, and to make payments of all sums made by the subscribers; and all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers, for all payments heretofore required to be paid; and upon their settlement with said General Commissioners, as aforesaid, they shall take receipts in like manner, which

receipts shall be good and sufficient vouchers for the persons holding the same.

SEC. 4. *Be it further enacted*, That it shall be the duty of said General Commissioners, to direct and authorize the keeping open of books for the subscription of stock in the manner above described, until the sum of fifty thousand dollars shall have been subscribed to the capital stock of said Company, when the Company shall be considered as formed, and may take measures for complete organization. To this end said General Commissioners, or a majority of them, shall appoint a time and place for the meeting of stockholders, and shall cause the same to be published in one or more public newspapers for four weeks previous to the day of meeting; at which time and place the subscribers of stock may attend in person or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance in person, or by proxy, said General Commissioners, or a majority of them, attending, shall present a ballot-box in which the subscribers may vote by ballot, for a President and seven Directors, to serve for one year, and until others are duly elected and enter upon the duties of their offices; and said Commissioners shall count the ballots, declare the election, and make and deliver proper certificates, under their hands, of the same.

SEC. 5. *Be it further enacted*, That in said election, and in all future elections of President and Directors, and in the making, altering, repealing of by-laws, and in determining on measures involving the interests of the Company, at any stated, or occasional corporate meeting, the rates of the stockholders shall be taken, and be governed by the scale and regulations following: The owner of one or two shares, shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; the owner of not less than forty-one nor more than one hundred shares, to ten votes for forty shares, and one vote for every eight shares thereafter; the owner of more than one hundred

and not more than two hundred shares, to vote as herein provided for one hundred shares, and one vote for every ten shares above that number; and the owner of more than two hundred shares, to vote as herein provided for two hundred shares, and one vote for every twenty shares above that number. No one but a stockholder shall be capable of being a proxy, and the appointment of a proxy shall be in writing and verified as may be required by the by-laws of the Company, and any person offering to vote as a proxy, may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he or she proposes to vote as proxy.

SEC. 6. *Be it further enacted*, That the President and Directors shall be elected annually, according to the by-laws to be made for that purpose; and in case any vacancy occurs in the Board of Directors between the periods of general elections, a majority of the Board of Directors, at any regular or stated meeting of the Board may elect, by ballot, from the stockholders, a person to fill said vacancy, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without the election of all or any of them being effected, the corporation shall not be dissolved, or discontinued thereby, but said Company may make such election on any other day, and in such manner as may be prescribed by the by-laws of the corporation.

SEC. 7. *Be it further enacted*, That said Company is hereby authorized to construct a railroad, with one or more tracks from Greenville, Tennessee, to the North Carolina line, so as to effect a connection at the most eligible point on the Greene county and North Carolina line, with some one of the railroads leading from South Carolina, or North Carolina, to Tennessee, and for this purpose they shall have power and capacity to purchase, take, and hold in fee simple, or for years, to themselves and their successors, any lands, tenements, and hereditaments, that they may deem necessary for the site, on and along which to locate, run, and establish the railroad aforesaid, and to vary or alter the plan or plans to such breadth or dimensions, as they may see fit, and in like manner to purchase, take and hold any lands contiguous to, or in the vicinity of said railroad, that they may find necessary for the procuring, and from time to time readily obtaining all proper materials of what kind soever, for constructing, repairing, grading, and sustaining said railroad, and in like manner to purchase all private rights of way, or water courses, that may lie on or across the route through which the said railroad may pass, and also of all lands contiguous thereto, that may be found

necessary for the erection of toll houses, store houses, workshops, barns, stables, residences and accommodations for servants, agents and mechanics, and for the stabling and maintaining all animals of labor, and the said Company shall have power, if necessary, to conduct their railroad across and over any public road, river, creek, or water course, that may be in the route; *Provided*, the passage of the road, or the navigation of the streams be not obstructed thereby.

SEC. 8. *Be it further enacted*, That in any case where lands, or private rights of way may be required by said Company for the purposes, aforesaid, and the same cannot be purchased of the owner, or owners, for the want of agreement of the parties as to the price, or from any other cause, the same may be taken by the Company at a valuation to be made by five Commissioners, or a majority of them, to be appointed by the Circuit Court of the county in which any part of said land, or right of way may be situated, and the said Commissioners before they act, shall severally take an oath before some magistrate, faithfully and impartially to discharge the duty assigned them, and in making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owner, or owners in consequence of the lands or right of way being taken, the establishment, or erection of the railroad, or works, and shall state particularly the nature and amount of the same, and the loss thus sustained shall form the measure of damages for said land or right of way; and the proceedings of said Commissioners, accompanied with a full description and plot of said land, shall be returned under the hand of a majority of the said Commissioners, to the Court from which the commission issued, there to remain of record; and if either party is dissatisfied with the decision of the said Commissioners, he, she, or they, may appeal to the next term of the Court granting the commission, giving a reasonable notice to the opposite party of such appeal, and the Court, upon satisfactory proof that the applicant has been injured by such valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive, between the parties, unless a new trial be granted, and the lands, and right of way valued by the Commissioners or jury, shall vest in said company in fee simple, so soon as the valuation thereof is paid, or tendered and refused. Where there shall be an appeal as aforesaid, from the valuation of the Commissioners, by either of the parties, the pendency of such appeal shall not prevent the Company from proceeding in

the construction of their work in and upon said land or way; but when the appeal shall be made by the Company requiring the surrender, they shall be at liberty to proceed in their work only on condition of giving to the opposite party a bond with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the Court; and in all assessments made by the Commissioners, or jury aforesaid, after the construction of the road, or of the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said road, or part thereof, and the use thereof by the said Company for the purposes of said road, shall be considered as an actual possession of said land, covered by said road, and the space of one hundred feet on both sides thereof.

SEC. 9. *Be it further enacted*, That in the absence of any written contract between the said Company, and the owner or owners of said land, through which the said railroad may be constructed, in relation to said land, it shall be presumed that the land upon which the said railroad may be constructed, together with one hundred feet on each side of the center of said road, has been granted to the said Company by the owner or owners thereof; and the said Company shall have good right and title to the same, and shall have, hold and enjoy the same, unto them and their successors, so long as the same may be used only for the purposes of the said road, and no longer, unless the person or persons to whom any right or title to such lands or hereditaments, descend or come, shall prosecute a suit for the same within two years next after the construction of such part or portion of said road as may be constructed upon the lands of the person or persons so having or acquiring such right to the title as aforesaid; and if any person or persons to whom any right or title to said lands, tenements or hereditaments belong, or shall hereafter descend or come, do not prosecute a suit for the same within two years next after the construction of the part of the said road upon the lands of the person, or persons so having or acquiring said right or title as aforesaid, then he or they, and all claiming under him, or them, shall be forever barred to recover the same; *Provided*, that nothing herein contained shall effect the right of *femme covert*s, infants, persons *non compos*, or beyond sea, until two years after the removal of their respective disabilities.

SEC. 10. *Be it further enacted*, That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the center of said road that may be constructed, be and they are hereby vested in said Company, and their successors, so long as the same is used for the purposes of said Company, and no longer.

SEC. 11. *Be it further enacted*, That the said Company shall, at all times, have the exclusive right of conveyance, or transportation of persons, merchandise and produce over the railroad to be by them constructed, while they see fit to exercise such right; and said Company are hereby authorized to fix and determine the rates of charge for the transportation of persons, merchandise and produce, so as to secure a reasonable and adequate return upon their capital invested, not to exceed the average annual yield on such capital, after paying all expenses of twenty per centum. The said Company may at their discretion, let, or farm out, all or any part of their exclusive right of transportation of persons, merchandise, and produce, with their privileges to any individual or individuals, or other company, and for such terms as may be agreed upon, subject always to the provision contained in this section in relation to the rates of charge; and the said Company, in the exercise of their right of conveyance and transportation, of persons or property, and the persons so taking from the Company the right of conveyance, or transportation, so far as they act on the same, shall be regarded as common carriers, and the said Company may use, or employ any section of their proposed road before the whole shall be completed, which may afford public accommodation for the conveyance of persons, merchandise and produce; and the said Company shall have power to take, at the storehouses they may establish or annex to the said railroad, all goods, wares, merchandise and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable price and compensation for services and storage, as they may, by public regulations, establish, or as may be agreed upon with the owner.

SEC. 12. *Be it enacted*, That whenever the said Company shall see fit to farm out as aforesaid, to any person, or persons, or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open said railroad, or any part thereof, to public use, they shall and may adopt and enforce all necessary rules and regulations, prescribe the construction and size, or burthen of all carriages and vehicles, and the ma-

terials of which they shall be made, that shall be used on said road, and the locomotive power that shall be applied to, or used with them.

SEC. 13. *Be it further enacted*, That the President and Directors of said Company, a majority of them being present, shall have power and authority to nominate and appoint a Secretary and Treasurer, and all other officers, agents and servants that they may deem necessary, or that may be prescribed in the by-laws of the said Company, and to remove the same at pleasure; and also to require and take from all the officers, agents and servants, such bonds and security, as the board or the by-laws may prescribe, for procuring the fidelity, obedience and accountability of the said officers, agents and servants, and their punctual surrender and delivery of all moneys and property, on the termination of their offices, by resignation, removal, expiration of their term or otherwise.

SEC. 14. *Be it further enacted*, That every subscriber or holder of stock in said Company shall pay to the Company the amount of the shares by him or her subscribed, or held, in such installments, not exceeding ten per centum at any one time, and at such periods, with intervals of not less than sixty days, as shall be subscribed and called for by the Directors; of which periods of payment, and the sums required, the Board of Directors shall cause public notice to be given for at least four weeks previous to such periods of payment, by advertisement in one or more public newspapers, and on failure of any subscriber or stockholder to pay up any installments so called for by the Directors, the shares upon which default shall be made, together with any part payment thereon, shall be forfeited to the Company, and be appropriated as they shall see fit; and the said Company shall and may prescribe in and by their by-laws, rules and regulations, the mode of issuing the evidence of stock and the manner, terms and conditions of assigning and transferring the same.

SEC. 15. *Be it further enacted*, That the President and Directors of said Company shall have power to call for all installments, declare all dividends of profits, make all contracts and agreements in behalf of the Company, and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform; and the acts and contracts of said board, authenticated by the signatures of the President and Secretary, shall be binding on the Company without seal. The Directors shall not exceed in the contracts the amount of capital in the Company; and in case they do so, the President and Directors who are present at the meet-

ing when any such contract, exceeding the capital, shall be made, shall be jointly and severally liable for the excess, as well as to the contractors of the Company: *Provided*, that any one may discharge himself from liability by voting against such contract, and causing such vote to be recorded in the minutes of the Directors, and giving notice thereof to the next general meeting of stockholders. The President and Directors shall keep minutes of all their meetings, and of the acts there done; and they shall make a full report of the state of the Company and its affairs, to a general meeting of the stockholders, at least once a year, and oftener if so directed by the by-laws; and they shall have power to call a general meeting of the stockholders when they deem it expedient; and the Company may provide in their by-laws for the occasional meeting of the stockholders, and prescribe the mode of calling the same.

SEC. 16. *Be it further enacted*, That the following officers and persons, while in the actual employment of said Company, shall be exempt from the performance of military duty, and from service on juries, to wit: The chief engineer and assistant engineers, the commissioner and superintending officer, the secretary and treasurer, keepers of the depositories, the guards stationed on the road to protect it from injuries, and all persons actually employed in working the locomotive engines and in traveling with cars for the purpose of attending to the transportation of passengers or goods on said road.

SEC. 17. *Be it further enacted*, That said Company may at any time increase their capital stock to an amount sufficient to complete and equip the road hereby authorized to be built; and for this purpose may levy an assessment of not more than twenty per cent. on the stock subscribed, or cause books to be opened for further subscription of stock, under such rules, regulations and restrictions, as they may prescribe.

SEC. 18. *Be it further enacted*, That the franchise hereby granted shall vest in, belong to, and be enjoyed by said Company and their successors, for the period of one hundred and ninety years, and the profits thereof shall be divided among the shareholders, in proportion to the stock owned by them respectively, during which term the stock of said Company, and the real estate which may be purchased by them, and connected with, or subscribed to their works hereby authorized, shall be exempted from taxation.

SEC. 19. *Be it further enacted*, That on the failure of any stockholder to pay his installments, or any one of them, as called for, and his or her stock shall be sold by the Company as herein provided, and the same does not produce

a sum sufficient to pay off the incidental expenses of said sale, and the entire amount due the said Company for such subscription of stock, then, and in that case, the whole of such balance shall be held due to said Company, and may be recovered of such stockholder, or his executors or administrators at the suit of said Company, either by summary motion in the circuit court in the county where the delinquent resides, on a previous notice of ten days to such delinquent subscriber, or by an action of assumpsit in any court of competent jurisdiction, or by a warrant before a justice of the peace, when the sum does not exceed one hundred dollars, before the whole amount has been paid to the Company, then for all sums due on said stock, both the original subscriber, and the first and all subsequent assignees shall be liable to the Company, and the same may be recovered as above described.

SEC. 20. *Be it further enacted*, That the installments due the Company from any of the stockholders, either as original proprietor, or subsequent purchaser, or assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his personal representative.

SEC. 21. *Be it further enacted*, That in case a vacancy shall happen between two periods of general election, in the office of President of the Company, by resignation, removal, death or otherwise, another shall be appointed by the Directors, from among themselves, or the stockholders of the Company, who shall have and exercise all the powers, privileges and authority pertaining to said office, until another is duly elected and entered upon the duties thereof.

SEC. 22. *Be it further enacted*, That in all annual or occasional meetings of the stockholders, a majority of stock, and in all meetings of the Directors, a majority of the Directors, shall constitute a quorum to do business.

SEC. 23. *Be it further enacted*, That no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit of another, whereby the said Company or any member thereof, *shall* be made to answer any such trust; but that every such person appearing to be the owner of stock, shall, as to all others of the Company, be to every intent and purpose taken absolutely as such; but between the trustees and the person for whose benefit such trust shall be executed, the common remedy may be pursued.

SEC. 24. *Be it further enacted*, That the said Greenville and North Carolina Railroad Company shall have power to borrow on the credit of said Company, any amount they

may see fit, not exceeding five hundred thousand dollars, and may give a mortgage or lien on said road, or any portion thereof, which money shall be expended only in the construction of said road: *Provided, however, that should the State grant State aid to said road, then in that case, the lien of the State shall have priority over any other mortgage or lien that may, by the Company, be given to any person or persons whatsoever: Provided, that nothing contained in this act shall be so construed as to impair in any manner vested chartered rights of any turnpike company near, or over which said railroad may be built, without a reasonable compensation to said turnpike companies for any damages they may sustain by the building of the same.*

Eagleville,
Unionville and
Shelbyville Turn-
pike Company.

SEC. 25. *Be it further enacted, That the Directors of the Eagleville, Unionville and Shelbyville Turnpike Company be and the same are hereby authorized to consolidate their two toll-gates, Nos. 2, and 3, on said road, between Eagleville and Rover, and put up a gate at any point they may in their discretion think best between Mrs. Marshall's and John Jordan's, and that said Company may demand and receive double the rates of toll they are authorized to receive at a single gate on said road; provided that no person shall be required to pay double toll who would not have been required to pay at the two gates, had they not been consolidated.*

SEC. 26. *Be it further enacted, That any person passing through or round said gate, and refuse to pay toll as required by law, shall be liable to all the pains and penalties of existing laws for trespassing against any other toll-gate.*

SEC. 27. *Be it further enacted, That this act shall be regarded as a public act, and given in evidence as such; and shall be in force from and after its passage, but shall be subject to alteration, amendment, or repeal, whenever the public good may require the same.*

Mississippi River
Railway Com-
pany.

SEC. 28. *Be it further enacted by the General Assembly of the State of Tennessee, That John S. Stanton, Thomas L. Sullivan, John D. Williams, William D. Ferguson and Jesse Moore, of Shelby county, and John T. Fields and William G. Fields, of Dyer county, together with such persons as are now, or may hereafter become associated with them and their successors and assigns shall constitute a body corporate, and they are hereby incorporated under the name and style of the "Mississippi River Railway Company," and in that name they shall have for a period of ninety-nine years; may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights*

and privileges and immunities of such corporation, with power to make such by-laws, ordinances, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary to the well ordering, regulating and conducting the affairs of said Company, and their directors, officers and servants.

SEC. 29. *Be it enacted*, That said corporation shall be capable in law to buy, receive by gift, hold, sell and convey real and personal estate as hereinafter provided, make contracts, and have and use a common seal, and the same to alter and destroy at its pleasure; shall have seven Directors, a President, and such inferior officers and agents as shall be deemed necessary by the Board, from time to time, and in the absence of the President, may appoint a President, *pro tem*.

SEC. 30. *Be it enacted*, That the capital stock of said Company shall be three millions dollars, to be divided into shares of one hundred dollars each; which shares may be subscribed by corporations, cities, counties or individuals; and shall be deemed personal property, and may be transferable and transferred in such manner and at such times and places as the by-laws of said Company shall direct, and it shall be lawful for said Company to increase the capital stock of the same from time to time should it become necessary for the purpose of constructing and equipping the railroad hereby authorized to be constructed and equipped: *Provided*, that said Company may commence the construction of said road with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed two hundred thousand dollars.

SEC. 31. *Be it enacted*, That the persons named in the first section of this act or a majority of them, shall open, or cause to be opened, on the first day of April, 1858, books for subscription to the capital stock of the Company, in the city of Memphis, Shelby county; in Covington, Tipton county; in Ripley, Lauderdale county; in Dyersburg, Dyer county, and in Troy, Obion county. If more than three thousand shares of stock shall be taken, or subscribed, the stockholders shall have the power to make the shares as subscribed the capital stock of said Company, and in case a greater amount of stock shall be subscribed than thirty thousand shares, the stockholders or the Board of Directors elected by them, shall reduce the same to that number, by striking off from the highest in succession in such manner that no subscription shall be reduced while one remains larger.

SEC. 32. *Be it enacted*, That the President and Direc-

tors, who shall be shareholders, and who shall be chosen by the stockholders of said Company, shall be chosen annually by said stockholders, at such time and place as shall be designated by the Board, and shall hold their offices for the term of one year and until their successors are elected and qualified, and the Board shall have power to fill all vacancies in its own body to serve until the next regular session; and the said Directors, five of whom shall be a quorum for the transaction of business, shall elect one of their number to be President of the Board, who shall also be President of said Company; they shall also choose a Secretary and a Treasurer, who shall give bond with security to said Company, in such sums as the Directors may require, for the faithful performance of his trust.

SEC. 33. *Be it enacted*, That in case it shall happen at any time that an election of Directors shall not be made on the day designated by the laws of the Company, when it ought to have been made, the board may appoint any other day when such election may be holden in such manner as may be provided by the laws of the Company.

SEC. 34. *Be it enacted*, That the corporators named in the first section of this act, shall be the directors of the Company until the first election, so far as to open or cause to be opened books for subscription of stock at the time and places mentioned in the fourth section of this act; and they, or a majority of them, shall continue to direct the affairs of said Company until they shall be superseded by a board of President and Directors elected by the stockholders under this charter, to whom they shall deliver over all moneys, books, subscriptions and other papers, belonging, or appertaining to said Company, received by them for the use and benefit of said company, and the first election for Directors shall be held in Memphis, on the first day of May, 1858.

SEC. 35. *Be it enacted*, That the President and Directors shall be chosen after the first election at a session or meeting of the stockholders, to be held in one of the counties in or through which said road is proposed to be, or may be constructed; notice of which, appointing the time and place, shall be given by the Directors, which notice shall be published not less than twenty days previous thereto, in a newspaper published in each county through which said road may be intended to run, if a newspaper be published therein. Three judges of elections shall be chosen by the Board of Directors previous to the annual meeting of the stockholders, who shall be stockholders but not directors, at the time of such election, whose duty it shall be, after being duly sworn, to receive the votes of the

stockholders at such elections for president and directors, openly count the same and declare the result; and shall furnish those elected, with certificates of their election; which certificate shall be evidence of their authority to act as such. The votes of the stockholders may be cast in person or by written proxy, signed by such stockholder, and every stockholder being present in person or by proxy at such election, shall be entitled to give one vote for each share of stock such person may hold, which has been entered in the name of such stockholder on the register of the Company, either as an original subscriber, or as transferee of the stock. Executors, administrators, and guardians, and other trustees shall be authorized to vote upon stock represented by them. No person shall be eligible to hold the office of President or Director unless he shall be a stockholder, owning stock absolutely in his own right.

SEC. 36. *Be it enacted*, That meetings of the stockholders may be called at any time during the interval between the annual meetings, by the Directors, or by the stockholders, owning not less than one-fourth of stock, by giving thirty days' notice of the time and place of the meetings, in the manner provided for the annual elections, and when any such meeting is called by the stockholders, they shall sign their names to the call, and shall state the particular object of such meeting, and if at any such meeting thus called by the stockholders, a majority, in value, of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting business, and if within said three days, stockholders having a majority of the stock, do not attend, then the meeting shall be dissolved, but if a majority shall attend said meeting, it shall be lawful for them to remove any Director, President, Secretary, Treasurer, Engineer, or other officer, elected by the stockholders or the Board, for good cause, and elect others in their stead, who shall serve until the next annual election, and until they shall be superseded by their successors, and the President shall have power to call special sessions of the Board in cases of emergency.

SEC. 37. *Be it enacted*, That the whole stock and property of said Company, real, personal, and mixed, and the issues and profits thereof, shall be holden in law, and are hereby declared to be personal property, and the same shall be governed by the rules, and laws governing personal property, in all cases, except as herein provided, and the said property and the profits arising therefrom, shall be vested in the respective shareholders, their heirs, executors,

administrators and assigns, in proportion of their respective shares.

SEC. 38. *Be it enacted*, That the capital stock of said Company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including work-shops, work-houses, and vehicles of transportation, shall be exempt from taxation for the period of thirty years from the completion of the road and no longer.

SEC. 39. *Be it enacted*, That the railroad authorized by this act shall be commenced within seven years after the passage of this act, and shall be finished within twelve years thereafter, otherwise the charter herein granted shall be void.

SEC. 40. *Be it enacted*, That all contracts and agreements authenticated by the President of the Board, shall be binding on the Company without seal, or such other mode of authentication may be used as the Company by their by-laws may adopt.

SEC. 41. *Be it enacted*, That said company shall have the exclusive right of transportation and conveyance of persons, goods, merchandise and produce, over the said road by them to be constructed, and that the charge of transportation and conveyance shall not exceed forty cents per hundred pounds on heavy articles, and fifteen cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger; and provided that said Company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

SEC. 42. *Be it enacted*, That the Board of Directors may call for the payment of one hundred dollars on each share of stock in sums not exceeding two dollars in every thirty days; *Provided*, That twenty days' notice be given of such call in at least one public newspaper in the State in which any of the stockholders may reside; and a failure to pay or secure to be paid, according to the rules of the Company any of the installments so called, as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon, and the same shall vest in and belong to the Company, and may be restored to the owner or owners by the Board of Directors, if they deem proper, on the payment of all arrears on such shares and legal interest thereon; or the Directors may waive the forfeiture after thirty days' default, and sue the stockholders for the installments due, at their discretion.

SEC. 43. *Be it enacted*, That the Board of Directors shall once in every year at least, make a full report on the

state of the Company, and its affairs, to a general meeting of the stockholders, and oftener if directed by a by-law.

SEC. 44. *Be it enacted*, That the President, Directors, Clerks, Agents, officers and servants of said Company, shall be exempt from military duty, except in cases of invasion, or insurrection, and shall also be exempt from serving on juries and working on public roads.

SEC. 45. *Be it enacted*, That the Company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for keeping it in repair.

SEC. 46. *Be it enacted*, That if by decree or otherwise the said corporation shall be dissolved, the President and Directors of said Company are created trustees, with such powers only as may be necessary to collect the debts due the Company, preserve the property, pay the debts, and distribute the property and effects of the Company to those who may be entitled thereto under the charter.

SEC. 47. *Be it enacted*, That should the President and Directors, or a majority of the whole number elected, consider it expedient for the purpose of aiding the stockholders or hastening the completion of the contemplated road, it shall be lawful for them to borrow money on the credit of said Company, not exceeding five hundred thousand dollars at any one time, at any rate of interest not exceeding seven per cent. per annum; and the said Company may issue such evidences of such indebtedness as may be deemed proper, and secure the same by giving a lien upon the property and assets of the Company; and the said Company may sell said bonds, or evidences of debt at such rate of discount, and at such places as to them may seem advisable; and the said Company shall also have power to endorse and guarantee the payment of bonds issued for the purchase of stock in said road held by any city, county or town.

SEC. 48. *Be it enacted*, That the Board shall fix the pay of Directors and officers of the Company which shall not be reduced to take effect until after the next annual election.

SEC. 49. *Be it enacted*, That the said Company are hereby vested with all the powers and rights necessary to the construction of a railroad from the city of Memphis, in Shelby county, Tennessee, to be run through said county of Shelby, Tipton, Lauderdale, Dyer and Obion to the State line of the State of Kentucky, in the direction of Cairo, in the State of Illinois, and from the point of intersection with said State line of said State of Kentucky, thence by and with the authority and concurrence of the General As-

sembly of the State of Kentucky, through the counties in said State of Kentucky lying on and bounded by the Mississippi River, to the Ohio River, opposite to the city or town of Cairo, in said State of Illinois, so as to make said railroad a connecting and continuous line from the city of Memphis aforesaid, through the States of Tennessee and Kentucky, with the railroads in the said State of Illinois, terminating at said city or town of Cairo, between the termini, inclusive, with full power to construct branches from the main line to any point or points that may seem to be conducive to the country and to said railroad, to be determined by the President and a majority of the Directors of said Company, and to establish such depots, and stations at such point or points, and along the line of such branch roads as may by them be deemed necessary for the accommodation and transportation of freights and passengers, and that said main line of railroad, shall be located and built as near the eastern bank of the Mississippi river as may be practicable; and in addition to the powers hereinbefore granted, said corporation shall have the following special defined powers, that is to say: First, to cause such examinations and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route, along the margin of said river, for the railroad, and for such purposes by their officers, agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which they shall do thereto; second, to receive, hold and take, such voluntary grants and donations of real estate and personal property as shall be made to it, to aid in the construction, maintenance, and accommodation of such railroad, to be disposed as hereinbefore provided; third, to purchase, by voluntary grants and donations, receive and take, and by its officers, engineers and surveyors, and agents, enter upon, take possession of and hold and use all such lands and real estate, and other property, as may be necessary for the construction and maintenance of its railroad and stations, with the branches hereby authorized, depots and other accommodations necessary to accomplish the objects, for which their corporation is created; fourth, to lay out its road, not exceeding two hundred feet wide, and to construct the same with the necessary tracks, side-tracks, switches, stations, depots, warehouses and buildings, and for the purposes of cuttings, embankments, and procuring stone, gravel and ground work, take as much more land within the limits of this charter, in the manner provided hereinafter, as may be necessary for the proper construction and security

e road; fifth, to construct their road and branches across any stream of water, water course, road, highway, or railroad, so as not to interfere with the free use of the same, and in such manner as to afford, and leave in good repair and well constructed for public use, all such streams of water, water courses, roads, highways, streets, and alleys, and shall restore the stream of water, road or highway, street or alley, thus intersected, to its former good condition, or in a sufficient manner, not to have unnecessarily impaired its usefulness, or injured its franchises: *Provided*, That should it become necessary for said Company to bridge over any navigable stream or river, in the construction of said railroad, or its branches, it shall be the duty of the Company to construct the same of sufficient height and span to permit at high water, the free passage of steamers and other crafts in the channel of the river, and so as not to obstruct the navigation in low water, or so to construct said bridges, if piers be used, as not to obstruct the channel of the river, and to construct sufficient draws in all such bridges, for the passage of all steamers and other craft in the channel of the river, at all stages of the water, and shall, at their own expense, by day and by night, open such draws for the passage of steamers and other craft, on the approach of the same, without unnecessary delay, and shall, moreover, be liable for all damages to individuals navigating such water courses, in consequence of the erection of such dam not strictly in conformity to the authority hereby granted: *Provided*, said Company may erect and use such temporary piers and scaffolding as may be necessary for the construction of said bridges, to be removed by it, so soon as the work is done, and earlier if they can be dispensed with, without retarding the work; sixth, to cross, intersect, join and unite, its railroads and branches, with any other railroad before constructed, or being constructed or located at any point on the route of such railroad or branches with the necessary turnouts, sidelines, switches, depots, buildings, warehouses, stations and other conveniences in furtherance of the objects of such constructions; seventh, to consolidate its road with any other railroad running in the same direction, in whole or in part, or connected with the line at either terminus, on such terms as may be agreed upon between the constructing parties, and to make through arrangements for the transportation of freight and passengers, with other railroad Companies, provided, that no such consolidation or through arrangement shall be made, unless two-thirds of the board elect shall concur therein; and in such case, the vote shall be taken by ayes and noes, and

entered upon the record of the proceedings of the Board; eighth, to change the line of its road and branches, whenever a majority of the Directors shall so determine, but such shall not be made to vary the general route of the road, nor to change the terminus or the points named in this charter, unless authorized by future legislation; ninth, to erect and maintain all necessary and convenient buildings, stations, depots, fixtures for the accommodation and use of passengers, freight and business, and to regulate the time and manner in which passengers and freight shall be received and transported, and the tolls and fares to be charged therefor, and to take, transport, carry and convey passengers and freight on their road and branches, by steam or other power, and receive tolls and compensation therefor.

SEC. 50. *Be it enacted*, That said Company, by their officers, engineers, servants and agents, shall have full power and authority to enter upon all lands and tenements, through which they judge it necessary to make said road, or branches, and lay out the same according to their pleasure, so that neither the dwelling house, yard or garden be invaded without the consent of the owner or proprietor thereof, and if the Company cannot agree with the owner of the land, or if such owner is incompetent to contract, or is a non-resident of the State, so that the title or the right of way cannot be obtained by said Company, the necessary lands upon which to construct said road and branches, not exceeding two hundred feet wide, and to the necessary grounds for depots, turnouts, switches, stations and necessary conveniences upon which to transact the business of the railroad and franchises, either party may apply by petition to the Circuit Court of the county in which the lands lie, giving five days' notice, if the owner of the land resides in the county, and twenty days' notice if he resides in any other county in the State, and by advertising in some newspaper printed in the county where the lands lie; if he resides out of the State, or if no newspaper be printed in the proper county, then by manuscript notice put up at the Court House door twenty days, to appoint commissioners to assess the value and condemn the land for the use of said Company for the purposes aforesaid. And the Court shall appoint guardians, *ad litem*, for idiots, infants, *femes covert*, insane persons, and persons without the State, who may be necessary parties to any such proceedings, and upon proof of the notice having been duly given, the Court shall appoint five commissioners, disinterested freeholders, of said county, who shall be sworn or affirmed justly and impartially to value

the land proposed to be appropriated to the use of the road; who shall ascertain what damages the owner will sustain, if any, by the location of said road and grounds, and the appropriation of the same to the use of the Company for the purposes of the road, always taking into consideration the benefit of the road to the owner of such lands, and the tendency the road will have to increase the value of the other lands of the owner; and said five freeholders, or any three of them concurring, shall, upon oath or affirmation, report to said Court as soon as practicable, the damages, if any, and if none are sustained, they shall report the fact; which report, if unaccepted to, shall be recorded, and if any damages are assessed, the money shall be paid into Court by the Company, and the report shall be confirmed by the Court, and recorded, and shall vest in the Company the fee simple of the lands so valued for said purposes: *Provided*, That the Court may, for good cause shown by either party, set aside the report and appoint other commissioners, who shall proceed in all respects as hereinbefore provided, and the like proceedings shall be had in the Circuit Court at the second report of the Commissioners; which shall be final between the parties in the Circuit Court, but may be examined and reversed, or affirmed upon matters of law, in the Supreme Court, or Court of Appeals of the State.

SEC. 51. *Be it enacted*, That said Company may enter upon any adjacent lands, and cut a quarry, dig, take and carry away therefrom, any timber, stone, gravel or earth which may be necessary in the construction or repair of said road and branches: *Provided*, they shall not, without the consent of the owner, cut down any fruit tree or trees preserved in any enclosure for shade or ornament, or take away any material constituting any part of a fence or building on such adjacent land; for all which materials, and for all incidental injuries done to grounds, woods, enclosures or crops, the Company shall make to the owners a fair and reasonable compensation; and if the parties cannot agree upon the same, it shall be ascertained by three impartial freeholders, to be appointed by a justice of the peace of the proper county, at the application of either party, the opposite party having three days' notice of the application to the justice. The freeholders shall be sworn to do impartial justice between the parties; their award shall stand as awards made by order of court upon the rights of the parties, upon which the justice may enter judgment and issue execution, if within his jurisdiction as to amount; if over, he shall certify the proceedings, as in other cases, to the next court, to be proceeded upon as upon an award made by order of said court: *Provided*, that either party may

have the proceeding corrected by certiorari, and not by appeal; if the proceedings be quashed the Court may appoint other valuers, and cause justice to be done in the premises.

SEC. 52. *Be it enacted*, That the pending of such proceedings in Court, or before the justice or arbitrators to ascertain said damages, shall in no wise or manner hinder or delay the progress of the work, and no order shall be made, nor shall an injunction, or supersedeas be awarded by any judge, or court, to hinder or delay the progress of the work.

SEC. 53. *Be it enacted*, That it shall not be lawful for any person or combination of persons whatever, by open violence or otherwise, to attempt to retard the operations of said Company in prosecuting the undertakings as herein allowed; but such persons or combinations of persons so offending, shall be liable for all damages sustained by the Company, and may be sued before any competent tribunal for each and every offence, and recover whatever damages they shall show they have sustained. And if any person or combination of persons shall willfully and maliciously destroy, or in any manner injure, damage or obstruct the said railroad or any bridge, or any vehicle used for, or in the transportation thereof, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not less than thirty dollars; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause or any part of it, to defend himself by pleading or giving in evidence, that he was the owner, or agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

SEC. 54. *Be it enacted*, That in the absence of any contract with said Company in relation to lands through which said road may pass, signed by the owner thereof, or by his agent or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which said road may be constructed, together with a space of one hundred feet on each side of the center line of said road has been granted to the Company, by the owner thereof, and the said Company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of the road, and no longer, unless the person or persons owning the said land, at the time that part of the

road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment for the value of the said lands, as hereinbefore directed, within five years next after that part of said road was finished. And in case the said owner or owners, or those claiming under him or them, shall not apply for such assessment within five years next after the said part of this road was finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, that nothing herein contained, shall affect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities.

SEC. 55. *Be it enacted*, That said Company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter and for the successful construction and management of the work.

SEC. 56. *Be it enacted*, That this charter shall be amendable from time to time by the Legislatures of the State of Tennessee and Kentucky whenever the President and Directors shall unanimously petition for amendments, specifying in their petition the nature of such amendment; and when such amendments shall be adopted by the Legislature and submitted to the directory, and be accepted and adopted unanimously by the President and Directors, they shall be obligations on the stockholders, and not otherwise.

SEC. 57. *Be it enacted*, That the profits of the Company, or as much thereof as the Board of Directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold: *Provided*, the said Company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road.

SEC. 58. *Be it enacted*, That subscriptions to the capital stock of said Company, and gifts and donations to said Company may be taken and received in cash, in subscriptions for work, the stock or bonds of other dividend paying railroad companies, either in this or other States, at their cash value, and also real estate lying near the line of the road, or without this State, at cash value: *Provided*, that the stock and bonds of other dividend paying railroads, shall not exceed in amount one million five hundred thousand dollars, nor shall the amount of real estate exceed a like amount, and *Provided further*, that the Company shall be bound to sell the real estate taken a subscription in stock, or by gift, or donation, to said Company,

and convert it into cash, so soon as the same can be disposed of advantageously for the Company, and that the proceeds arising therefrom shall accrue to the benefit of the Company in the construction and management of their road.

SEC. 59. *Be it enacted*, That the lands authorized to be subscribed as hereby declared, shall be conveyed to the Company by the subscriber, by good and sufficient deeds in fee, free from all incumbrances, and with relinquishment of dower, when necessary, before any stock shall be issued for the same, and the stocks and bonds of other dividend paying railroads shall be duly assigned by the legal holder thereof to the Company, before any stock shall issue thereon, and all certificates of stock shall be endorsed with amount paid on the certificate, and the time of payment.

SEC. 60. *Be it enacted*, That after said Company shall be organized, they may cause one or more routes for the main road, and the branches to be surveyed and estimated, preparatory to a final location and letting of the work; but before proceeding to let the work in whole or in part, the President and Directors shall call a meeting of the stockholders and lay before them in a report, the cost of the road as far as estimated, together with the amount of subscription obtained, and the right of way obtained, and the expense incurred, and the probable cost of completing the road, and equipping the same, with its probable business and dividends, when completed, together with the prospects of obtaining sufficient stock or means to equip, and complete the road; and a majority of the stockholders, in value, may thereupon, at such meeting, by resolution, which shall be entered on the journals of the Company, together with the vote thereon, have the right to order the expenses to be paid, the subscriptions cancelled, the real estate subscribed in stock to be re-conveyed to the subscribers, and after which, and after the business of the Company shall have been settled up, the Company shall be dissolved, but they shall have no right to dissolve such corporation before the expiration of one year from the time the books shall be opened for subscriptions, nor after one half million of dollars shall be subscribed or donated to the capital stock in lands or money, nor if the minority will guarantee such additional subscription or donations as will make the same one-half million of dollars.

SEC. 61. *Be it enacted*, That it may be discretionary with a majority of the Directors, at what point or points in said line they may commence first, the work of grading said road, and the erection of superstructures for it, or the

laying of the iron, but they shall fully consult and be governed by the interests of the road, and a majority of the stockholders in it.

SEC. 62. *Be it enacted*, That the monies subscribed by the citizens of Tennessee, whether by the State, counties, corporations or individuals, shall first be applied to the construction of the road within the limits of the State of Tennessee, and the money subscribed by the citizens of Kentucky, whether by the State, counties, corporations or individuals shall first be applied to the construction of the road within the limits of the State of Kentucky; and that the monies, or monies arising from gifts or donations, may be expended along any part of said line, as shall be decided by a majority of the Directors.

SEC. 63. *Be it enacted*, That it shall be lawful, after the first general election of Directors, as herein provided for, for the Board, by a unanimous vote, to increase the number of Directors to the number of fifteen, and said fifteen Directors may select the President from their own body, if they shall so prefer to do; and in the event they shall determine in all future general and annual elections of Directors, to increase the number to fifteen, then, and in that case nine of the fifteen Directors shall be residents of the State of Tennessee, three shall be residents of the State of Kentucky, and three may be residents of any other State or States. This section shall not apply to the Directors named in the first section of this act, nor to the first general election of President and Directors.

SEC. 64. *Be it enacted*, That said Company shall have the right to take, at the stations and storehouses they may establish and annex so their railroad, all goods, wares, merchandise, and produce intended for transportation or that shall have been transported and not removed by the owner, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage, as they, by rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, That the said Company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the Company may have the power to transport immediately.

SEC. 65. *Be it enacted*, That inasmuch as the railroad contemplated by this charter lies part in the State of Tennessee, and part in the State of Kentucky, and the object of this corporation being to make a through line of the same gauge between the termini, to avoid

all transshipments and commissions, and thereby expedite and cheapen transportation, to be managed by one Company, it is hereby declared by this act, so far as it proposes to incorporate said Company with powers to construct said railroad and branches through said State of Kentucky, is only intended to operate after it shall have received the concurrence, and been ratified and confirmed by the Legislature of Kentucky; and should said State decline to ratify and confirm the same, so far as relates to the powers to construct and maintain that part of the road which lies in Kentucky, it shall be null and void to that extent; but it is hereby declared that this act shall be valid so far as relates to the State of Tennessee, from and after its passage, and shall take effect from and after its passage.

SEC. 66. *Be it enacted*, That nothing in this act shall be construed as giving any State aid to this or any other rail road company; and nothing in this act shall be construed as extending to any other rail road company further time than now allowed for its completion in the whole or in part.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 29, 1858.

CHAPTER 43.

AN ACT to change the name of Hanner High School, in Warren county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed the 28th of February, 1854; entitled, An act to incorporate the Hanner High School, in Warren county, be, and the same is so amended as to change the name of said from the name of "The Hanner High School," to the Hanner Highland College; by which latter name the said school be entitled to all the rights, privileges, and immunities, conferred by said act of incorporation, and subject to all the liabilities and restrictions therein imposed.

SEC. 2. *Be it further enacted*, That the name of Bernard Seidenstrickor, of the county of Shelby, in the State of Tennessee, be changed to Bernard Bowling. *Be it*

Bernard Bowling
and John J.
Hamilton

further enacted, That the name of John J. Ham, of the county of Davidson, be changed to John J. Hamilton.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed January 30, 1858.

CHAPTER 44.

AN ACT to release the State from certain liabilities, and for the benefit of the Central Southern Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the Central Southern Railroad Company shall have graded, bridged and prepared their road, as required by the Internal Improvement acts of this State, to the extent of two-thirds of the whole labor required to so grade, bridge, and prepare their road from their junction with the Tennessee and Alabama Railroad, near Columbia, to their Depot in the town of Pulaski, Giles county, and it shall so appear from the report of the Commissioner of Roads, and further, appear that they have secured the means for completing the remaining local work of their whole road, then the Governor of the State shall issue to said Company the bonds of the State as loaned to said Company, at the rate of nine thousand dollars a mile for said distance from their junction with the Tennessee and Alabama Railroad to the depot, in the Town of Pulaski, and no more: *Provided*, however, that the Governor of this State shall not issue bonds unless said Company, by the official action of its Board, shall notify the Governor of this State, on or before the first day of March next, that they accept the provisions of this section, and they forever acquit, release, and abandon all right, and claim which they may have by existing laws to demand aid to the extent of ten thousand dollars per mile from the State for said portion of their road.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 1, 1858.

CHAPTER 45.

AN ACT for the benefit of Nourse Seminary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the principal and Trustees of Nourse Seminary, with the advice and consent of a majority of said board, shall have full power, and authority, at any session of the Board, to confer on any student of said Seminary, or any other person, who may hereafter pass through the prescribed course, and stand a satisfactory examination thereon, the degree of Bachelor, or Master of Arts, or any other degree known and used in College, or Seminary in the United States; and that the President, with the consent of a majority of the Board, shall have power to appoint such Assistants, Professors, or Tutors, as may be deemed necessary, and that he, with the consent of the latter, may make such rules, by-laws, and regulations for the government of the Seminary, and the promotion of education, as in their opinion may be proper, provided such by-laws and regulations may not be contrary to the laws of the State, or the Constitution of the United States.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 2, 1858.

CHAPTER 46.

AN ACT to incorporate the "Bois DeArc Seminary," at Elm Springs, in Robertson county, and Mount Pleasant Female Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Hutchinson, Samuel Gilbert, John C. Brener, W. C. Richmond, John L. Yates, R. C. Patterson and John M. Copeland, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the Bois DeArc Seminary," located at Elm Springs, in the county of Robertson; the said Trustees shall have perpetual succession, and shall have power to fill vacancies which may occur by death or otherwise.

SEC. 2. *Be it further enacted*, That said Trustees and their successors in office, shall be capable in law to purchase, receive, and hold, to themselves and their successors forever, any lands, tenements, goods, or chattels, which shall be given, granted, or devised to them for the use of said Seminary, and to use, and dispose of the same in such manner as to them shall seem most advantageous to said Seminary. The said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere.

SEC. 3. *Be it enacted*, That the Trustees shall have power to hold meetings at such times and places as they may think proper; also elect their President, Secretary, and Treasurer; and they alone shall have power to expel disorderly students, and also the selection of Teachers; a majority of said Trustees shall be a quorum to do business and manage the interest of the Seminary.

SEC. 4. *Be it further enacted*, That the property belonging to said corporation be, and the same is hereby exempted from taxation.

SEC. 5. *Be it enacted*, That Rev. J. S. Frierson, E. O. Cross, Dr. W. G. J. Hunter, Wm. Watkins, James M. Frierson, Jos. Hoge, John Danson, Wm. R. Kendel, George Coner, Samuel J. Graham, James H. Cecil and B. R. Harris, shall be, and they are hereby appointed and created a body politic and corporate, under the style and name of the Mount Pleasant Female Academy, and shall have perpetual succession, and common seal; and they and their successors, and such others as may be associated with them, by the name aforesaid, shall have and are hereby vested with all legal powers to buy, receive, possess, hold, and dispose of any property, for the use and benefit of said institution, may sue and be sued, and possess all other powers, and privileges conferred by law on other institutions of learning, may adopt by-laws for their own government, may fill vacancies in their own number, elect such officers and teachers as may be necessary to carry out the purposes of their corporations.

Mt. Pleasant Female Academy.

SEC. 6. *Be it further enacted*, That no misnomer, or misdescription of said corporation in any deed, will, gift, grant, devise, or other instrument of contract or conveyance shall vitiate the same; but the same shall take effect in like manner as if the corporation were rightly named; *Provided*, it be sufficiently described to ascertain the intent of the parties.

SEC. 7. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 3, 1858.

CHAPTER 47.

AN ACT to incorporate Rheatown, in the county of Green; to amend the Corporation Laws of Murfreesboro'; to change the lines of the town of Campbellsville; to amend the acts incorporating the town of Lynnville, in Giles county; to extend the Corporate limits of Fayetteville, in Lincoln county, and to amend the charter of the town of Mt. Pleasant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed on the 22d day of February, 1856, incorporating the town of Rheatown, in the county of Green, be so amended as to authorize and empower the citizens of said town to elect one Justice of the Peace and one Constable, both of whom shall reside within the corporate limits of said town, the election to be held under the same rules and regulations as other magistrates and constables are now elected in said county, and such magistrate and constable, when elected and commissioned, shall have and exercise all the powers and privileges of other magistrates and constables in said county of Greene.

SEC. 2. *Be it further enacted*, That, should the constable elected for the town of Murfreesboro', under the laws heretofore passed providing for the election of such officer, fail or refuse to be qualified as now provided by law, or, after such qualification, shall die, remove, or resign, or shall die before being qualified, or, if from any other cause, there shall be a vacancy in said office, in any and all such cases, it shall be the duty of the Mayor of said town, to issue an order of election to the Sheriff, or Coroner of Rutherford county, directing him to open and hold an election at the court house in said town, by the qualified voters thereof, to fill the vacancy thus occasioned, and it shall be the duty of said Sheriff or Coroner, upon receiving notice of the order aforesaid, to open and hold such election, upon giving ten days' notice, at the court house door of said town, of the time and place of holding

Murfreesboro'
constable, how
elected.

the same; the Constable elected under the provisions of this act shall be qualified, and enter upon the duties of his office as soon thereafter as practicable.

SEC. 3. If any one or more of the aldermen who shall be elected under existing laws for said town, fail, or from any cause refuse to be qualified as such, as now contemplated, the remaining members of the board of Mayor and Aldermen, shall have the same power to fill the vacancy or vacancies so occurring, as they now have in case of death, removal or resignation.

SEC. 4. *Be it enacted, by the authority aforesaid,* That the corporate limits and boundaries of the town of Campbellville, Giles county, Tennessee, be so altered as to fix the same as heretofore specified, viz: commencing in the original boundary at James Hanner's south-east corner, running thence south with Thomas G. English's line 113 poles, to the south-east corner of Poplar Grove Camp-ground, thence west with said lot and E. Peadin's south boundary, to said Peadin's south-west corner, thence north 13° 38 poles to Wm. Peadin's south-east corner, thence south 77° west 10 poles to said Wm. Peadin's south-west corner, thence north 13° west 28 poles to D. E. Page's south-west corner in the original line of incorporation, including Wm. Peadin's lot, and excluding that portion of A. and J. R. Campbell's and Thomas J. English's farms, heretofore included. Campbellville.

SEC. 5. *And be it further enacted,* That the Mayor and Aldermen shall have and exercise the same powers, within the above limits, as they now have, over the present limits of said town.

SEC. 6. *Be it enacted,* That the act passed January the 22d, 1838, incorporating the town of Lynnville, in Giles county, be and the same is hereby so amended as to confer upon the Mayor and Aldermen of the said town, all the rights, powers, privileges and franchises which belong to the Mayor and Aldermen of the town of Elkton, in said county, under the acts incorporating the same, passed in 1833. Lynnville.

SEC. 7. *Be it enacted,* That the act of February 24th, 1852, entitled, An act to authorize the qualified voters of the 15th Civil District, including the town of Lynnville, in Giles county, to elect three Justices of the Peace, be and the same is hereby so amended as to provide that after the expiration of the term of the additional Justice therein created, by death, resignation, or otherwise, his successor and successors shall be elected by the legal voters residing within the corporate limits of the town of Lynnville, and none other.

Fayetteville.

Sec. 8. *Be it further enacted*, That the boundary line of the corporation of the town of Fayetteville, shall be extended as follows: Beginning at the south-west corner of lot No. 122 in the plan of the town of Fayetteville, running thence 25 poles $15\frac{1}{2}$ feet to the north-east corner of a tract of land bought by J. G. Woods, of G. M. Steel, running thence south with Woods' line 25 poles $15\frac{1}{2}$ feet to the corporation line, thence 9 poles $13\frac{1}{2}$ feet to the beginning, including a 30 foot street, and two 16 feet alleys, and three lots of 8 poles square.

Mt. Pleasant.

Sec. 9. *Be it further enacted*, That the charter of the Town of Mt. Pleasant be so amended as to authorize the election of a Mayor and town Constable for said corporation, by the qualified voters of the same, at the same time that the qualified voters thereof now elect their aldermen.

Sec. 10. *Be it further enacted*, That the first election for said officers shall take place on the first Saturday in February, 1858, and forever thereafter on the third Saturday in December, in each and every year; the said officers, except those first elected, to hold their officers for the term of one year and until their successors are elected, the polls of said election to be opened at 12 o'clock, A. M., and close at 3 o'clock, P. M.; said election to be held by the town Constable, or in case of a vacancy in said office, by the Constable of the civil district of Maury county, in which the voting place of said corporation may be located.

Sec. 11. *Be it enacted*, This act shall take effect from and after its passage, and that all laws, or parts of laws, conflicting with this act be and the same is hereby repealed.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 3, 1858.

CHAPTER 48.

AN ACT to authorize the Register of East Tennessee to transcribe certain Record Books, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of A. B. Small, Register of East Tennessee, to transcribe, or cause

to be transcribed in a good legible hand, in well bound books, at as early a day as the same may be conveniently done, accurate copies of books 1, 2 and —, in his office, and also have books 3, 4, and 5, well bound and indexed, and hold and keep said transcript in his office as part of the records of the same, subject at all times to the examination and inspection of those who may desire such examination; and that all copies of said transcript issued from said office, be for all purposes as good and sufficient in law, as copies from the original records.

SEC. 2. *Be it further enacted*, That it shall be the duty of Robert Campbell, Register of Knox county, on application of said Small, to examine his transcript, and compare them with the original, or old books, and thereupon certify that fact in said books of transcripts, and to the Treasurer, who shall upon the receipt of said certificate, pay to the said Small, Register, the sum of forty cents for each grant so transcribed, and to the said Campbell, the sum of five cents for each examination and comparison made by him of said transcribed grants, and the receipts of said Small and Campbell, upon said certificate, shall be good vouchers to the Treasurer.

Robt. Campbell.

SEC. 3. *Be it further enacted*, That the said Campbell shall, before proceeding to examine and compare said transcripts, take an oath before some acting justice of the peace, for Knox county, that he will faithfully compare said transcripts with the original, or the old books, and certify to the Treasurer, whether the said Small has faithfully complied with the provisions of this act; provided, further, that the compensation to said Small, provided by this act, shall be contingent upon the receipt of such certificate by the Treasurer.

SEC. 4. *Be it further enacted*, That the said Register shall receive fifty cents for each page of the index; and that the cost of binding provided in the first section of this act shall be paid in the same manner as the cost of the Record Books furnished by clerks and registers are now paid.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 5, 1858.

CHAPTER 49.

AN ACT to consolidate the Memphis and Ohio, and the Memphis, Clarksville and Louisville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis and Ohio, and the Memphis, Clarksville, and Louisville Railroad Companies be, and the same are hereby consolidated, so as to form one continuous line of railway from Memphis to the Kentucky State line, *via* Paris and Clarksville, by the name of the Memphis, Clarksville, and Ohio Railroad Company; but this act shall not go into effect, until it is accepted and ratified by a majority of the Board of Directors of each Company, the act of acceptance and ratification spread upon the records of each, and a certified copy of the same forwarded to the Secretary of State.

SEC. 2. *Be it further enacted*, That when the terms of consolidation, as herein contained, shall have been thus accepted and ratified, a Board of Directors for the consolidated Company shall be organized, to consist of the present members of the Board of the Memphis and Ohio Railroad including those heretofore appointed by the Governor, together with the ten Directors from Montgomery county to be elected by the present Board of the Memphis, Clarksville and Louisville Railroad, or by a vote of the stockholders of said road, as may be found most expedient and convenient, and the said Board thus consolidated shall have the right to vote by proxy in the election of officers and agents, and shall remain in office until the first Monday in October next, at which time an election shall be holden in Memphis, and Clarksville, for the election of a new Board, which shall consist of fifteen Directors, exclusive of those appointed by the Governor, six of whom shall reside in Shelby county; four between the Shelby county line and Paris; and the remaining five between Paris and the Kentucky State line. But until the election of a Board of Directors for the consolidated road, the affairs of the two Companies shall be managed as heretofore, under their separate organization.

SEC. 3. *Be it further enacted*, That the directors thus elected shall choose a President from their own number, and appoint such other officers and agents as they may deem necessary and proper; they shall have authority to name the day and place for the annual election of Directors, shall serve until their successors shall enter upon their duties; and may adopt such rules and regulations as they may deem necessary for the management of their business; but in the event of a conflict upon any point or points

between the charters of the two Companies, the Directors of the consolidated Company shall elect by which charter they will be governed.

SEC. 4. *Be it further enacted*, That all the rights, powers and privileges, heretofore conferred by the Legislature upon both or either of these companies, and by virtue of which they may have been constructing their roads, are hereby granted to the consolidated Company; and the said consolidated Company may claim and exercise the benefit of the same as fully, and in the same manner as either Company could have done before consolidation; provided, however, that nothing in the act shall be construed as giving to said consolidated company State aid exceeding ten thousand dollars per mile, exclusive of the bridge aid heretofore granted.

Powers and Privileges.

SEC. 5. *Be it further enacted*, That when said consolidated Company shall have prepared the road-bed and bridges for the iron rails between Brownsville and the intersection of the Mobile and Ohio road in Gibson county, and the Commissioner of Roads shall so certify the same to the Governor, together with the distance, it shall be the duty of the Governor upon such certificate, to issue to said Company the Coupon Bonds of the State to an amount equal to ten thousand dollars per mile for the road so prepared for the iron, and also, the aid granted to the Memphis and Ohio Railroad Company, for bridges between Brownsville and the Mobile and Ohio road.

SEC. 6. *Be it further enacted*, That when said Company shall prepare the road-bed and bridges for the iron rails from Clarksville to the point of intersection with the Kentucky end of said road, or to its point of intersection with the Edgefield and Kentucky Railroad, provided that said point of junction and said point of intersection, shall be within the State of Tennessee, and the Commissioner of Roads shall so certify the same to the Governor, together with the distance; it shall be the duty of the Governor, upon such certificate to issue to said Company the Coupon Bonds of the State to an amount equal to ten thousand dollars per mile, and the bridge aid heretofore granted to the Memphis, Clarksville and Louisville Railroad Company, for the road between said points so prepared.

SEC. 7. *Be it further enacted*, That said consolidated Company shall have all the rights, powers and privileges to consolidate or unite with other roads in or out of this State that have heretofore been or hereafter may be given to the Memphis, Clarksville and Louisville Railroad Company.

SEC. 8. *Be it further enacted*, That nothing in this act shall be so construed as to give said consolidated Company

more State aid than ten thousand dollars for any one mile for the construction of said road; nor more bridge aid than is now given by law to the Memphis and Ohio Road as far east as Paris; after leaving Paris they shall be entitled to the bridge aid heretofore granted to the Memphis, Clarksville and Louisville Road.

SEC. 9. *Be it further enacted*, That after consolidation said Company shall not have power to construct more than one line of road from Memphis to Paris or from Paris to the Kentucky line by the way of Clarksville.

Montgomery
county bonds.

WHEREAS, The county of Montgomery voted two hundred and fifty thousand dollars in bonds of the said county to aid in the construction of the Memphis, Clarksville and Louisville Railroad, by a vote of said county taken on the 20th day of October, 1853. And whereas, no law exists whereby the said county is authorized to redeem the said bonds before maturity, therefore,

SEC. 10. *Be it further enacted*, That the act of the 2d of March, 1854, entitled, An act to authorize the county of Montgomery to take stock in the Memphis, Clarksville and Louisville Railroad Company, and for other purposes, be, and the same is hereby amended so that the magistrates of the said county—a majority of them voting for the same—shall be and are vested with full power and authority to enter into contract with said railroad Company for the purchase of the said bonds and shall have the necessary power to levy a tax accordingly, to carry out said contract; and in case of the failure or refusal of the said magistrates to enter into said contract and levy said tax, the people of said county, through a public vote made and conducted in manner and form in which the original subscription of said stock was made, shall have the right, through the county court of said county, to cause a tax to be levied for the purposes above, in manner prescribed by an act passed January 22, 1852; *Provided*, that no agreement shall be made, nor tax levied for the payment of more than one-third of the whole amount of said bonds yearly, or for any one year.

SEC. 11. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 5, 1858.

CHAPTER 50.

AN ACT to amend the charter of the city of Knoxville, and to incorporate the town of Manchester, in Coffee county; to amend the charter of the city of Memphis; to amend the charter of the town of McMinnville, and to amend the second section of an act passed February 28, 1856, chapter 133, entitled, An act to provide for the election of a justice of the peace in the town of Rome.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an additional voting place be, and is hereby established in the city of Knoxville, and that hereafter in all national, State, and county elections, polls shall be opened and elections held and conducted at the Market House in said city, in conformity with existing laws regulating such elections.

SEC. 2. *Be it enacted by the authority aforesaid*, That the inhabitants of the town of Manchester are hereby constituted a corporation, and body politic, by the name and style of "The Mayor and Aldermen of the town of Manchester," and by that name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity; and in all actions whatsoever; may purchase, receive and hold property real and personal, and mixed, within the said town, or without its limits; and may sell, lease, or dispose of the same, for the benefit of said town; and may make such contracts for railroad depots, public grounds, promenades, that may be deemed beneficial to said town; they shall have and use a common seal, and change it at pleasure.

Manchester incorporated.

SEC. 3. *Be it enacted*, That the officers of the town shall consist of a Mayor, Board of Aldermen, Recorder, Treasurer, High Constable, and such other officers as may be provided for, by the laws and ordinances of said corporation.

SEC. 4. *Be it enacted*, That the Mayor and Aldermen, Recorder, Treasurer, and High Constable, shall be elected by the qualified voters of said town, and shall hold their offices for one year, and until their successors shall be elected and qualified, and when two or more persons shall have an equal number of votes for either office, the election shall be determined by a majority of the votes of the Council elect. A vacancy, whether temporary from absence, or otherwise, shall be supplied in the same manner. The Mayor may fill all vacancies occurring in any office except that of Alderman, until the same can be filled by election. Vacancies, either of Mayor or Aldermen, by death, removal, or resignation, shall be filled by the votes

of a majority of the Board present at a meeting of the same. The Mayor shall preside at all meetings of the Board, take care that all ordinances of the town are duly enforced, to take an oath before entering upon the duties of the same, and to call special sessions of the Board when he may deem it expedient, and to issue his warrant for the arrest of such persons as he may know to have violated any of the ordinances enacted by said Board.

SEC. 5. *Be it enacted*, That the Board shall have full power and authority to appoint such officers, servants, and agents of the corporation as they may deem necessary, and shall provide for, by ordinances. They shall fix the compensation of both elected and appointed officers, from time to time, and shall have power to dismiss any officer, servant, or agent by them appointed, two-thirds of said Board concurring in said dismissal.

SEC. 6. *Be it enacted*, That an election for Mayor, Aldermen, Recorder, Treasurer, and High Constable, shall be held at the Court House in Manchester, or such place or places in its limits as may be fixed by ordinance of the corporation on the third Saturday in December in each year, or upon such other day as the Board may determine by ordinance; provided that the first election held for the officers aforesaid may be held at any time after the passage of this act, first giving ten days' notice of the time of holding the same, said election to be held by the High Constable, Sheriff, or Coroner, or any Constable of the county, or such other person as may be designated by ordinance, or by-law; and such sheriff, or other officer to hold the election under the existing laws in reference to State elections, the result of the election shall be certified to the existing Mayor, who shall lay it before the Board at the first meeting thereafter unless altered by ordinance of the corporation. The Mayor, and Aldermen, and other officers elected as aforesaid, shall enter upon the duties of their respective offices, after first having taken an oath before some justice of the peace in Coffee county to faithfully discharge the duties of the same. The present Board shall continue in office until their successors are appointed and qualified. In all cases of a tie in the election of any of the officers, the Council that are elect, shall choose from among those tied.

SEC. 7. *Be it enacted*, That the number of Aldermen to be elected shall be seven, unless increased hereafter by ordinance of the corporation. No one shall be elected to any of the offices mentioned in section two, unless he is a *bona fide* citizen of the town. The Aldermen elect before

entering upon the duties of their offices shall be qualified by the Mayor, or a justice of the peace for Coffee county, who shall administer to them an oath to support the Constitution of the United States, and of the State of Tennessee; and to discharge well and truly, to the best of their ability, their duties of Aldermen.

SEC. 8. *Be it enacted*, That in the transaction of business a majority of the Aldermen shall be competent to act, except on the levying of taxes, when five shall constitute a quorum.

SEC. 9. *Be it enacted*, That the Recorder shall be present at all meetings of the Board, and shall keep a correct record of the proceedings of the same in a well bound book, which shall be furnished him by the Board, that he shall post up on the Court House door all ordinances, and by-laws passed by the Board, immediately after the passage of the same; that he shall take a list of all polls and taxable property within the limits of the corporation at such times as he may be directed by the Board, and shall make out from such list a tax book, and deliver the same to the High Constable at such time as he may be directed by the Board; and that he shall do and perform such other duties as may be required of him by the Board; and upon failure to perform any of the duties as mentioned in this section, or which may be required of him by the Board, he may be fined by the Board in a sum not to exceed five dollars, at the discretion of said Board.

SEC. 10. *Be it enacted*, That the Treasurer, before entering upon the duties of his office, shall enter into bond, with such security as may be approved of by the Mayor for the safe-keeping and proper payment of all money that may come into his hands, and which bond shall be spread upon record. The Treasurer shall not pay out any money in his hands belonging to the corporation unless ordered by the Board with direction to the Recorder to draw an order upon him for the same; which order shall be attested by the Mayor, and when thus attested it shall be a good and sufficient voucher for the Treasurer for all sums of money thus paid out by him. The Treasurer and his securities shall be liable to be motioned against by the Board before the Mayor, or any justice of the peace in the county, for failure to pay over such sum or sums of money as may be found to be in his hands belonging to the corporation, by the Financial Committee as mentioned in section fourth. He shall be proceeded against in the same way that constables now are for failing to pay over money.

SEC. 11. *Be it further enacted*, That the High Constable of Manchester, before entering upon the duties of his office shall take an oath to support the Constitution of the United States, and the State of Tennessee, and he shall take a further oath to *ex officio* arrest all persons who, of his own knowledge, have violated any of the criminal ordinances of the corporation, or by-laws of the same, and take such offenders immediately before the proper authority, to be dealt with, or else lock up such person until they can have a hearing—and that he will bring suit against such as may violate the civil ordinances, or by-laws of the corporation; and that he will properly execute and due return make of all process that may come into his hands. He shall also enter into bond, with such security as may be approved by the Mayor, for the proper payment to the Treasurer of all such sum or sums of money as may, or ought to come into his hands; whether the same be for taxes, fines, or debts due the corporation; and said bond shall be recorded. He shall have concurrent jurisdiction with the district Constables of the State, and shall have, and exercise the same power in all matters relating to the enforcement of the ordinances of the Board, and execution of process for the benefit of the same. He and his securities shall be liable to be motioned against by the Board, before the Mayor, or any justice of the peace for the county, for failure to return execution within the time required by law, or forfeiture to pay over to the Treasurer, whatever money may come into his hands by virtue of his office—said motion shall be proceeded in the same way that motions against district constables now are. He shall quarterly, after settlement with the Finance Committee, pay to the Treasurer all money in his hands.

SEC. 12. *Be it further enacted*, That it shall be the duty of the Mayor at the first regular meeting in January, or as soon thereafter as convenient, to appoint a Financial Committee, to consist of three, whose duty it shall be to make settlement with the Treasurer and High Constable, quarterly, and make report of the same to the Board at its next regular meeting. And he shall appoint all such committees as may be directed by the Board. And said Mayor shall have full power and authority to try and punish all persons for offence against the criminal ordinances and by-laws; *Provided*, such offender or offenders shall plead guilty, and if not, it shall then be his duty to direct the High Constable to summon a jury of good and lawful men in said corporation to try said cause, and when so summoned shall be sworn by said Mayor to well and truly try the cause between the Mayor and Aldermen of the town

of Manchester and the offender, and a true verdict render according to the evidence, who shall then under the direction of the Mayor proceed to hear and determine the case, and if the offender or offenders are found guilty, the Mayor shall then proceed to assess such fine as he may

think proper, so as not to exceed fifty dollars, and he shall also have power while engaged in the trial of any case to fine any person for a contempt, in a sum not exceeding ten dollars—which may be collected as other penalties—and said Mayor shall also have full power and authority to try all causes of a civil character in which the Corporation is interested, but subject to an appeal by either party, to the Circuit Court. In the performance of the duties mentioned in this section he shall have concurrent jurisdiction with the justices of the peace within the county; and he shall have full power and authority in case any person or persons shall be convicted before him of any of the offences of which this act gives him jurisdiction, and such person or persons by him fined, and such person or persons shall not immediately pay said fine and cost, or secure the same to be paid, to order such person or persons to be confined in the jail of said county until said fine and costs are paid or secured to be paid; and it shall be the duty of the Mayor of said Corporation, to keep a docket, upon which he shall write out his judgments, in the same manner that justices of the peace in this State are now required by law to do; and it shall be lawful for him at any time to take security for the fines assessed by him, together with the costs of suit, and in the same manner that stays of execution may now by the laws of this State, may be taken by justices of the peace, and the same shall be valid and binding upon said security, or securities, and it shall be the duty of said Mayor when any person or persons shall be convicted before him of any of said offences and shall be by him fined, immediately to enter a judgment for said fine and the costs of suit, and if the same shall not be paid before the expiration of the day preceding the date of said judgment, it shall then be his duty to issue an execution for the same, which may be directed to the High Constable, or the Sheriff, or any Constable of said county; in his absence said execution shall have the same validity and effect, and be subject to the same rules and regulations that executions issued by justices of the peace have and are subject to now, by the laws of this State; and if any of said officers to whose hands an execution, issued by said Mayor, as aforesaid shall come, shall fail to make due and proper return of the same to the office of the said Mayor thirty days from the day of its issuance, or if he

should collect the money, or any part thereof, on the same, and fail to pay over the same upon demand to the Treasurer of said Corporation, he and his securities may in like manner be subject to the same penalties that constables and their securities are now by the laws of this State subject to, for failing to return executions issued by justices of the peace, or for failing to pay over money collected on the same, by motion before said Mayor, or any justice of the peace for said county.

SEC. 13. *Be it enacted*, That it shall be the duty of the jailor of said county to receive and keep in jail any person who may be committed by said Mayor to his charge, and under the power granted by this act, and all disorderly and riotous persons, committed to his charge in the night time, by said High Constable, until they be released, for which he shall receive the same fees as in other cases of imprisonment.

SEC. 14. *Be it enacted*, That any person who may, under the provisions of this act, be committed to jail by said Mayor until the fine and cost are paid or secured to be paid, shall, after giving said Mayor two days' notice, and making affidavit, which shall be filed in the office of said Mayor, setting forth a true schedule of all his or her property, and that he or she is unable to pay or secure to be paid said fine and cost, be discharged from jail.

SEC. 15. *Be it enacted*, When any tax or duty shall be levied, or imposed by said Board, upon any real estate being within the corporate limits of said town, and the owner or owners thereof shall not pay said tax, or duty, but fail or refuse to pay the same within the year for which said tax or duty was levied, it shall be the duty of the Recorder of said Corporation, upon the fact being reported to him by said High Constable, that the owner or owners thereof have no personal property upon which he can distrain for said taxes or duties, and that the same remains due and unpaid, to report said real estate to the Circuit Court of said county, at the first or second term of the year next succeeding; and it shall be the duty of the said Court, when such report shall be made to enter up judgment against such real estate, for the taxes or duties thereon, remaining due and unpaid, and said real estate shall be sold by the High Constable, or in his absence the Sheriff of the county, at the same time and place and in the same manner and under the same conditions as if the taxes had been and were due the State and county, which sale shall vest the title in the purchaser as in the other tax sales, and said High Constable, or Sheriff, shall pay over to the Treasurer of said corporation any taxes so by him received

for said Corporation, and upon said failure to do so, shall be liable on motion for the amount due, as in other cases; and said High Constable, or Sheriff, shall make to the purchaser a deed for lands sold by them, as sheriffs now do.

Sec. 16. *Be it enacted*, That the Mayor and Aldermen shall have power by ordinance within the town, first, to levy and collect taxes upon all property taxable by laws for State purposes. Secondly, to levy and collect taxes upon all privileges and polls taxable by the laws of the State; *Provided*, that the poll tax shall not exceed five dollars annually. Third, to appropriate money and provide for the payment of the debts and expenses of the town by a levy of a special tax when the same shall be necessary. Fourth, to make regulations to prevent the introduction of contagious diseases into the town, to establish hospitals, and make regulations for their government. Fifth, to establish a system of free schools and lay a special tax for its maintenance. Sixth, to make regulations to secure the health of the town and to prevent and remove nuisances. Seventh, to provide the town water works, cisterns, pumps, &c. Eighth, to open alleys, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair, streets, alleys, and side walks, or to have the same done at the expense of the owners of the ground fronting thereto, when they refuse after notice to have the work done. Ninth, to provide for lighting the streets. Tenth, to establish, support and regulate a night-watch and patrol. Eleventh, to erect market houses, establish markets and regulate the same; to erect a callaboose, or lock-up, and regulate the same. Twelfth, to provide for the erection of all buildings necessary for the use of the town, and to pass laws making the injury, destruction, or the defacing of them, a misdemeanor. Thirteenth, to provide for the enclosing, improving and regulating all public grounds belonging to the town, in or out of its corporate limits. Fourteenth, to license, tax and regulate making carriages, carts, omnibuses, wagons, and drays, and to fix the rates to be charged for the carriage of persons and property, within the town, to the public works and property without the limits of the town. Fifteenth, to license, tax and regulate, auctioneers, grocers, merchants, druggists of every description, retailers, taverns, brokers, jewelers, coffee houses, confectioneries, retailers of liquors, hawkers and peddlers, livery stable keepers, and negro traders. Sixteenth, to license and regulate porters, and fix the rate of portage. Seventeenth, to license, tax, and regulate theatrical and other shows, exhibitions and amusements. Eighteenth, to prohibit and

suppress all disorderly houses and bawdy houses. Nineteenth, to provide for the extinguishment of fires, to organize and establish fire companies, to regulate, restrain, or prohibit the erection of wooden buildings in any part of the town; to regulate and prevent the carrying on manufactories dangerous in causing or producing fires. Twentieth, to regulate the storage of gun-powder, tar, rosin, pitch, salt-petre, gun-cotton, and all other combustible material, and the use of lights, candles, and stove-pipes, in stables and other places. Twenty-first, to provide for the inspection and weighing, or measuring stone-coal, wood and all other fuel, hay, corn, and other grain; to regulate the inspection of butter, lard, and other provisions, to regulate the vending of meats, poultry, fish and vegetables, to restrain and punish the forestalling of provisions, and to suppress hucksters. Twenty-second, to regulate the police or patrol of the town, to impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation, and to imprison any offender or offenders, for refusal or failure to discharge or secure according to ordinance, fines imposed upon them, either in the county jail or calaboose, for a period not exceeding ten days. Twenty-third, to provide for the arrest and confinement in jail or calaboose of all disorderly persons in the town by day, or by night; to authorize the arrest and detention of all free negroes, slaves, or suspicious persons, found violating any ordinance; to regulate times and circumstances, at and under which free negroes and slaves may be absent from their respective places of abode, and direct the punishment of such regulations. Twenty-fourth, to present and punish, by pecuniary penalties and imprisonment, all breaches of the peace, noises, disturbance, or disorderly assemblies, in any street, house or place, in the town, by day or night; and all offences, whether civil or criminal, arising under the by-laws and ordinances, shall be cognizable before the Mayor, or any justice of the peace, who, upon application shall issue his warrant, directed to the High Constable, whose duty it shall be to serve the same, which warrant may be served by the said officer on the offender or offenders any where within the limits of the county of Coffee; and upon the return of said warrant, it shall be the duty of the Mayor, or justice of the peace, to hear and determine the case, and give judgment accordingly, except in cases as mentioned in section eleven, when he shall proceed as there directed, from which judgment in all civil cases, an appeal lies to the Circuit Court for Coffee county.

SEC. 17. *Be it enacted*, That the boundaries of the

corporation of the town of Manchester shall be as follows: Beginning at a place where there was a spring at the base of the hill north of Manchester, the same being the beginning corner of the tract of land conveyed by Andrew Erwin to the Commissioners to locate and lay off Manchester; thence due east to the McMinnville and Manchester Railroad; thence south with said Railroad to the center of the Hickory Creek road where it crosses the Railroad; thence east with said Road to the east fork of Duck River, thence up said river to Wiley Hickerson's north-west corner; thence south with his line to the road leading from Manchester to Hillsboro'; thence west with said road to David Callyhan's north-east corner; thence with his south boundary line to the Railroad, thence south to the south-east corner of said town tract conveyed by Andrew Erwin as aforesaid; thence west with said line to the south-west corner of said tract; thence north to the north-west corner of said tract; thence with said line east to the beginning, so as to include what is now called the town Spring.

SEC. 18. *Be it enacted*, That all ordinances and resolutions heretofore enacted by the Mayor and Aldermen of Manchester, and not repealed or rescinded by them, shall remain in full force until altered, repealed, or modified, under this act, and that all laws and parts of laws conflicting with, or coming within the purview and meaning of this act, be and they are hereby repealed; *Provided*, the Mayor and Aldermen and officers of said Corporation now in office under a former act, incorporating Manchester, shall hold their respective offices, and have and exercise all the power granted by said former act of incorporation until their successors are elected and qualified under this act.

SEC. 19. *Be it enacted*, That the City Recorder of the City of Memphis, in the county of Shelby, shall have concurrent jurisdiction, with the justices of the peace, within the corporate limits, in civil as well as criminal cases; and shall be entitled to the same fees as justices of the peace are allowed for similar services; and the Governor shall issue a commission to each Recorder, as justice of the peace, during his term of office, and attest and certify all his official acts, as a justice of the peace, when required.

SEC. 20. *Be it further enacted*, That the corporate authorities of the town of McMinnville are hereby invested with all the powers, and privileges granted to the Mayor and Aldermen of the City of Chattanooga, by the act of 1851, chapter 13, entitled, "An act to incorporate the City of Chattanooga, and for other purposes," and subsequent acts amendatory of said act of 1851.

SEC. 21. *Be it further enacted*, That the second sec-

Flynn's Lick.

tion of an act passed February 28, 1856, chapter 133, entitled, "An act to provide for the election of a justice of the peace in the town of Rome, to elect an additional justice of the peace in the town of Flynn's Lick," &c., be so amended that hereafter said justice shall be elected by the qualified voters of the Civil District in which said town of Flynn's Lick is located, instead of the qualified voters of said town as now provided by law.

SEC. 22. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 6, 1858.

CHAPTER 51.

AN ACT granting relief against Escheats, in certain cases.

WHEREAS, many years ago an association, partnership, or company of individuals, part of whom were foreigners, never naturalized or resident citizens, was formed, having in view the settlement, purchase and re-sale of a large tract or tracts of land in Morgan county, and said enterprise has been so far prosecuted, that about one hundred and seventy thousand acres of land have been bought, and much the larger part thereof has been re-sold and conveyed, and the same is now occupied by several hundred persons, resident thereon, whose titles in some of the conveyances, may be claimed to be subject to forfeiture or escheat to the State: now, therefore, to quiet said titles,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the titles to all the lands held in the name of G. F. Gerding, a resident citizen of the State of Tennessee, or heretofore held by him, and conveyed by him, being part and parcel of the estate of the "Tennessee Colonization Company," be, and the same are hereby released from any claim of escheat or forfeiture, by reason

of the same having been, or being alleged to have been conveyed to a non-resident alien, and any claim of such escheat or forfeiture is hereby waived and released.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 6, 1858.

CHAPTER 52.

AN ACT to amend the third section of an act passed February 11, 1856, entitled an act to purchase the Hermitage.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third section of an act passed February 11, 1856, entitled An act to purchase the Hermitage, be so amended, that the Federal Government be allowed the further time of two years from the passage of this act, to accept the proposition contained in said act.

SEC. 2. *Be it further enacted*, That the Governor of this State be required to see that the said property be properly taken care of until the Federal Government shall determine what they will do.

SEC. 3. *Be it further enacted*, That this act take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 6, 1858.

CHAPTER 53.

AN ACT to amend the Charter of the Nashville, Murfreesboro' and Shelbyville Turnpike Company, and to extend the time of completion of the Fayetteville, Mulberry and Lynchburg Turnpike Road, and to amend the Charter of the Blountsville, Middletown and Elizabethtown Turnpike Company, granting further time to the McMinnville and Sparta Turnpike Company to begin their work, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Nashville, Murfreesboro' and Shelbyville Turnpike Company, be so

amended as to exempt said Company from the obligation and duty of keeping up and repairing those portions of the turnpike road which lie within the corporate limits of the towns of Nashville, Murfreesboro' and of Shelbyville, and that said exemption shall not interfere with or take away any of the chartered rights of said Company.

SEC. 2. *Be it further enacted*, That said Company be, and they are hereby authorized and empowered to alter the present location of the first gate on said road nearest the town of Shelbyville, Bedford county, to any point upon the land belonging to said Company nearer said town: Provided, they shall not locate it nearer than one mile of said town of Shelbyville.

Fayetteville, and
Mulberry and
Lynchburg Turn-
pike.

SEC. 3. *Be it enacted*, That the further time of two years be given for the completion of the Fayetteville, Mulberry and Lynchburg Turnpike Road.

SEC. 4. *Be it further enacted*, That so soon as seven miles of said road is graded, beginning at the Tullahoma Depot, and one mile of the same graveled, that the Company be authorized to put up one gate, and collect toll, as provided for by the charter of the same.

They remove gate.

SEC. 5. *Be it further enacted*, That said Nashville, Murfreesboro' and Shelbyville Company be allowed to remove the gate nearest the city of Nashville, two miles from the corporate limits of said city.

Amend charter of
the Blountville,
Middletown and
Elizabethtown
Turnpike Com-
pany.

SEC. 6. *Be it further enacted*, That an act entitled "An act to incorporate the Blountville, Middletown and Elizabethtown Turnpike Company, and for other purposes," passed March 1st, 1854, chapter 302, be amended as follows: That "Middletown" be stricken out and "Union" be inserted, and that so much of the 5th section of said act as precedes the clause providing that said Company shall have ten years to open and complete said road, be, and the same is hereby repealed.

SEC. 7. *Be it further enacted*, That sections 12, 13, 14 and 15 of the act of 1st March, 1854, chapter 302, be, and the same is hereby continued as part and parcel of the charter of the said Turnpike Company.

SEC. 8. *Be it further enacted*, That the said Turnpike Company may demand and receive the same rates of toll as are now charged on the Lebanon and Nashville Turnpike Road.

SEC. 9. *Be it further enacted*, That said Corporation may extend their road, under the same provisions and restrictions, to such point on the North Carolina line as they may choose.

SEC. 10. *Be it further enacted*, That the said Turnpike Company may construct a branch of said road under the

same conditions, powers and restrictions, from Blountsville to Bristol: *Provided*, that one Director, at least, residing at or near Bristol, be added to the Board of Directors.

SEC. 11. *Be it further enacted*, That the said Turnpike Company may locate and erect two toll-gates on said road, at such places, as in the opinion of the Board of Directors of said Company, may be best for the interests of the said Company, charging the same rates of toll thereat: *Provided*, that the location and erection of said toll-gates, do not conflict with the laws heretofore made and now in force, to govern such locations.

May erect toll gates.

SEC. 12. *Be it further enacted*, That the McMinnville and Sparta Turnpike Company, have the further time of two years to begin the construction of said Turnpike Road.

To amend charter of McMinnville and Sparta Turnpike.

SEC. 13. That the further time of eighteen months, be, and hereby is extended to the Columbia and Fountain Creek Turnpike Company, in which to complete their road.

Extending time to the Columbia and Fountain Creek Turnpike.

SEC. 14. *Be it further enacted*, That an act entitled an act "for the relief of the Memphis and Ohio Railroad," passed at this session of the General Assembly, be so amended that said act go into effect and operation from and after the passage of this act.

To amend charter of Memphis and Ohio R. R. Co.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed February 8, 1858.

CHAPTER 54.

AN ACT to incorporate the Trustees of McCain's Academy, in the county of Maury, and "Columbia Athenaeum."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel M. Neeley, James Davis, J. C. Neeley, W. R. H. Mack, A. H. Hanna, James E. Patterson, J. Walker Scott, A. H. Davis, Alfred Flemming, John L. Perry, S. S. Matthews and W. S. Henderson, Jr., be, and they are hereby constituted a body corporate and politic, by the name and style of the Trustees of McCain's Academy, in the county of Maury, and by that name they may sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered unto, in any of the courts of law or equity in this State.

SEC. 2. *Be it further enacted*, That any vacancies that may occur in said body of Trustees, shall be filled by the Board, and entered upon their minutes; a majority of said Trustees shall constitute a quorum to do business, and as soon after the passage of this act as they may deem proper, they may meet and organize, by electing from their own number, a President, Secretary and Treasurer.

SEC. 3. *Be it enacted*, That said Trustees shall have power to employ all necessary teachers or lecturers, fix the rate of tuition, prescribe the course of study to be pursued in said Academy, make all necessary rules and regulations, for the government of the same, hold real or personal estate by purchase, gift or devise, and sell and exchange the same as the interests of the institution may require; to confer, if they think proper, such literary degrees and diplomas as are usual in first class male academies; and have and enjoy all other powers and privileges that are incident to corporations of this description, in this State, inclusive of the power to make all necessary by-laws and regulations relative to said Academy, not inconsistent with the Constitution of the United States or of the State of Tennessee.

SEC. 4. *Be it enacted*, That said Board shall have power to receive subscriptions of stock in said institution, in such sums and upon such terms as they shall in their by-laws designate and prescribe; and the property and assets of the institution shall be governed by the said Trustees, under such by-laws and regulations as they may from time to time establish.

SEC. 5. *Be it enacted*, That in the conveyance of real estate, or the transfer of claims or other assets, the name of the President of the Board shall be sufficient when signed by the order of said Board, said order being entered upon the minutes of said Board.

SECTION 6. *Be it enacted by the General Assembly of the State of Tennessee*, That John Brown, Alex. H. Brown, Matthew D. Cooper, M. S. Frierson, James M. Granberry, Sam'l A. Hanner, Wm. P. Martin, Barclay Martin, B. F. Mitchell, A. O. P. Nicholson, Wm. H. Pillow, Jas. H. Thomas and Rev. S. Wells, of Maury county, and A. W. Putnam and Henry T. Yeatman, of Davidson county, and William H. Long, of Madison county, Dr. William H. Drane, of Montgomery county, R. G. Payne and James Penn, of Shelby county, and Joshua Phipps, of Hawkins county, Tennessee, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Columbia Athenæum," and by said name may have succession for a period of ninety-nine years; may have a common seal;

To incorporate
Columbia Athenæum.

and shall have, and are hereby invested with all legal powers to buy, receive, possess, hold and dispose of any property for the use and benefit of said institution: and may sue and be sued, plead and be impleaded, in all the courts of this State; that said institution is incorporated for the purpose of promoting the cause of female education.

SEC. 7. *Be it enacted*, That the Board of Trustees may elect a President, out of their number, and a Secretary and Treasurer, and such other officers as they may deem necessary. Meetings of the Trustees may be called either by their President or Secretary, on one week's notice, through any newspaper printed in the town of Columbia. The annual meeting of the Board shall be held at the Athenæum, in Columbia, on the last Friday in June. At all meetings of the Board, stated or called, five members shall be a quorum, for elections to fill vacancies in their body, and for transacting all business that may come before them, pertaining to the Athenæum.

SEC. 8. That the Trustees of the Athenæum shall possess the power of conferring literary degrees, in as full and ample a manner, as any other institution of like character in this State; to issue diplomas, awarded by the Trustees, to the graduates of the Athenæum; the signatures of an examining board, appointed by the Rector, may be affixed in connection with those of the Trustees, the Rector and the Vice-Principal.

SEC. 9. *Be it further enacted*, That the grounds, &c., appropriated for the use of said Athenæum, be exempt from taxation, State, county and corporation, whilst the same is employed for educational purposes.

SEC. 10. *Be it enacted*, That the Trustees herein incorporated shall have power to fill vacancies created by death, resignation or otherwise.

SEC. 11. That no misnomer or misdescription of said corporation, in any deed, will, gift, grant, devise, or instrument of contract or conveyance, shall vitiate the same: Provided, it is sufficiently described to ascertain the intent of the parties.

SEC. 12. *Be it enacted*, That this act shall take effect, and be in force from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives:

JOHN C. BURCH,
Speaker of the Senate.

Passed February 11, 1858.

CHAPTER 55.

AN ACT to incorporate the town of Tullahoma, in the county of Coffee.

WHEREAS, the citizens of the town of Tullahoma have heretofore obtained, from the County Court of Coffee county, a certificate of incorporation, and have elected their Mayor and Aldermen; and doubts existing as to its constitutionality, and the powers being too limited, Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Tullahoma, in the county of Coffee, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the Town of Tullahoma, and shall have succession for a period of ninety-nine years; by their corporate name, may sue and be sued, plead and be impleaded; grant, receive, purchase, and hold real, mixed and personal property, or dispose of the same for the benefit of said town; and may have and use a town seal.

SEC. 2. *Be it further enacted*, That hereafter the boundary of said corporation shall be as follows, to wit: Beginning on a Spanish oak, near the bank of Rock creek, running thence north 42° west (400) four hundred poles to a stake in Gabriel Blacknell's meadow, thence north 42° east (266) two hundred and sixty-six poles to a black oak and pointers, thence south 42° east (400) four hundred poles to a post oak and black oak, thence south 42° west (266) two hundred and sixty-six poles to the beginning.

SEC. 3. *Be it further enacted*, That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances, as are necessary to preserve the health of the inhabitants of said town; prevent and remove nuisances; to establish night-watch and patrols; to ascertain, when necessary, the boundaries and location of streets, lots and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming; to provide for licensing and regulating theatrical and other public exhibitions of shows and sleight of hand, within the limits of said town; to regulate and restrain tippling houses, disorderly assemblies, riots, drunkenness, profane swearing, or obscene language or behavior; to levy and collect taxes upon all such property and privileges as are taxable by the laws of this State; to appoint a Recorder and town Constable; to appoint and organize fire companies, and to pass such laws and ordinances as may be

necessary to guard against fire; to impose and appropriate fines and forfeitures for the breach of their by-laws and ordinances; to provide for grading, graveling and paving streets, alleys and side walk; the removal of obstructions; and suppress all disorderly conduct, whereby the citizens of said town shall be disturbed or their safety endangered; and to pass all such laws and ordinances necessary to carry the intent and meaning of this act into effect: Provided, they are not incompatible with the Constitution and laws of this State.

SEC. 4. *Be it further enacted*, That all fines, forfeitures and penalties, imposed by the laws and ordinances of said corporation, shall be recovered before any justice of the peace in and for said county, or court having jurisdiction thereof, in the name of the Mayor and Aldermen of said town.

SEC. 5. *Be it further enacted*, That when any taxes are or may become due on any real estate, whether the same be lot, or lots, or not, which has or may be levied by the Mayor and Aldermen of said town, agreeable to this act, and there is no personal property from which the taxes can be made, the collector of said taxes shall make report of the same, certified by the Mayor and Recorder to be correct; which report shall be returned to the Circuit Court of Coffee county, who shall proceed to enter up judgment of condemnation, and direct an order of sale to issue in the same manner as is provided by law for the State and county taxes.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Board of Mayor and Aldermen to order and direct an election to be opened and held at the several voting precincts in said corporation, ten days' notice in writing having been given of the same on the first Saturday in each and every year, for the election of seven Aldermen, who shall be resident citizens of said corporation, over the age of twenty-one years; who shall meet as soon thereafter as practicable, and after first having taken an oath (or affirmation as the case may be) that they will truly, faithfully, and impartially, without prejudice of favor, discharge all the duties devolving, upon them by law, as Aldermen of the town of Tullahoma, to the best of their skill and ability, so help them God; which oath shall be in writing, and subscribed by them, severally, and spread upon the public records of their proceedings; shall elect one of their body to serve as Mayor, and appoint a Recorder and Constable outside of their body, which said Recorder and Constable shall take an oath before some justice of the peace of said county, that they will faithfully discharge all the duties

incumbent upon them by law, and enter into bond, with sufficient security, to be approved of by the Mayor of said Board, in such sum as the Board may direct, for the faithful discharge of all the duties enjoined upon them by law.

SEC. 7. *Be it further enacted*, That said Board of Mayor and Aldermen, Recorder and Constable, shall hold their office for one year, and until their successors are elected and qualified; said Board shall fill any vacancy that may occur in their body, until the next regular election takes place.

SEC. 8. *Be it further enacted*, That all persons entitled to vote for members of the General Assembly, of this State, resident in said corporation, shall be entitled to vote for Aldermen. It shall be lawful for the town Constable to open and hold the election aforesaid.

SEC. 9. *Be it further enacted*, That all the proceedings had by the present and preceding Boards of Mayor and Aldermen of the town of Tullahoma, in compliance with the General Incorporation Act of the General Assembly of this State, passed on the 7th day of January, 1850, and the provisions of the County Court of Coffee county, under which they organized their Board, be and the same are hereby made as valid, so far as the same can be made by this General Assembly, as if said Board had been organized under a special charter, granted by the General Assembly of this State.

SEC. 10. *Be it further enacted*, That the present Board of Mayor and Aldermen of said town, are hereby declared the Board of Mayor and Aldermen of said town, until their successors shall be elected, and qualified: Provided, the first election under this act may be held at any time after five days' notice of the same.

SEC. 11. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 12, 1858.

CHAPTER 56.

AN ACT to incorporate the Presbyterian Church, "Saint Paul," in Jefferson county, Tennessee; and to incorporate the Church of the United Brethren in Christ.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Augustin Rice, William McFarland, Harris E. Dewitt, William McCleister, David McCleister, John W. Moser, Augustus F. Moser, and Joseph Hamilton, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Presbyterian Church "Saint Paul," in Jefferson county, in the State of Tennessee, with power to sue and be sued, plead and be impleaded, answer and be answered in all kinds of suits and actions, and to do all other acts and things which bodies corporate may lawfully do.

SEC. 2. *Be it further enacted*, That the corporation shall have power to receive by gift, donation or purchase, and to hold personal, real and mixed property, to sell, exchange or otherwise to dispose of the same, as said Trustees, in their judgment, may best subserve the interest of said church.

SEC. 3. That said Board shall have power to make all by-laws, rules and regulations, necessary for their own government; to choose their own officers, in such manner as the Board shall prescribe; to prescribe the mode in which their successors shall be chosen to fill vacancies, and to do such other acts and things as may be necessary and proper to the Company to carry out the object of this corporation: Provided, none of their by-laws, rules and regulations, be inconsistent with the Constitution of the State of Tennessee.

SEC. 4. *Be it further enacted*, That Enos Keezel, John Kenbush, William R. Sprinkle, Henry R. Lutz, Silas Stepp, Jonathan Bails and Joseph Armentrout, and their successors in office, in trust for the church, be constituted a body politic and corporate, to be known by the name and style of the Trustees of the Church of the United Brethren in Christ, with powers to sue and be sued, to plead and be impleaded, answer and be answered unto, in all kinds of suits and actions, and generally to do and perform all other acts and things which bodies corporate may lawfully do.

To incorporate
the United Breth-
ren in Christ.

SEC. 5. *Be it enacted*, That the corporation shall have power to receive by gift, donation or purchase, and to hold

in trust for the Church, personal, real and mixed property; to sell, exchange, mortgage or otherwise dispose of the same, as the Quarterly Conference of the Church may direct, to best subserve their interest. That the Board of Trustees may be empowered to make all by-laws, rules and regulations, necessary for their own government, under the direction of the Quarterly Conference and discipline of the Church, and that four shall constitute a quorum: Provided, their by-laws, rules and regulations, be not inconsistent with the Constitution and laws of this State.

SEC. 6. *Be it enacted*, That all Trustees hereafter appointed by the Quarterly Conference, circuit missions or stations, in East Tennessee, shall be vested with all the powers to serve the Church, as the Trustees named in the first section of this act are vested with.

SEC. 7. *Be it enacted*, That this act shall take effect, and be in force from and after the passage thereof.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 12, 1858.

CHAPTER 57.

AN ACT to amend an act entitled, "An Act to incorporate the Aetna Mining and Manufacturing Company, and for other purposes," passed March 2d, 1854, and to amend the act passed January 26th, 1856, incorporating the Chattanooga Packing and Milling Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the capital stock of said Aetna Mining and Manufacturing Company be increased so as to consist of not more than six thousand shares, instead of five thousand, as provided for in the second section of the act incorporating the Aetna Mining and Manufacturing Company.

SEC. 2. *Be it further enacted*, That the fifth section of the same be so amended, that the Company may make connections, by railway, at any point or points, with the Nashville and Chattanooga Railroad; with the Tennessee river; with the Will's Valley Railroad; the Memphis and Charleston Railroad, or any other railroad which may hereafter pass through or near to the Company's lands.

SEC. 3. *Be it further enacted*, That the Chattanooga Packing and Milling Company be and they are hereby

To amend charter
of Chattanooga
Packing and
Milling Co.

authorized to subscribe for and take stock in the Chattanooga Water Works Company, or to endorse the bonds of said Water Works Company, either or both.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 12, 1858.

CHAPTER 58.

AN ACT for the benefit of the Railroad running from Chattanooga to Cleveland.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the East Tennessee and Georgia Railroad Company be entitled to draw the bonds of the State, upon each section of ten miles or more, of that portion of their road extending from Chattanooga to Cleveland, commencing at Cleveland; and also, for ten miles or more, on that portion east from the point where said road crosses the Western and Atlantic Railroad, instead of the entire road, as now required, subject to the conditions and requirements of the Act of February 11th, 1852, and the acts amendatory thereto.

SEC. 2. Before any bond shall issue to said road, the Road Commissioner shall be satisfied that the whole of said road shall be in a state of speedy completion, which fact he shall report to the Governor, with his reasons; then, if the Governor shall be satisfied of these facts, said bonds may issue as provided in this act.

SEC. 3. Said road, when finished, shall be operated by and under the charter of the said East Tennessee and Georgia Railroad Company.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 12, 1858.

CHAPTER 59.

AN ACT to incorporate the Shelby Military Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Military Institute shall be and is hereby established in Shelby county, to be located in the vicinity of Germantown, which said School shall be known and distinguished as the Shelby Military Institute.

SEC. 2. That Frazer Titus, John Pope, James C. Jones, I. G. Harris, A. M. Rafter, J. H. McMahon, James Rafter, their associates and successors, be, and they are hereby constituted a body politic and corporate, to be known as the Board of Trustees of the Shelby Military Institute, and by that name shall have perpetual succession, and a common seal, with power to alter and change the same at pleasure; and as a body corporate may have and enjoy legal rights and remedies in as full and ample degree as any similar corporation in this State.

SEC. 3. That the Board of Trustees and their successors, by their name aforesaid, shall be capable in law of buying and selling, having, receiving, and enjoying, lands, tenements and hereditaments, of any and all kinds for life, or for a term of years, and personal property of every kind whatsoever, and sums of money to any amount, that may be given, granted, sold or bequeathed to them, to erect buildings, purchase grounds, apparatus, books, or any other thing, which may be necessary for the use of the School, for endowing or supporting the same.

SEC. 4. That on the death or resignation, or disqualification of any member of said Board of Trustees, a majority of those in office may fill such vacancy or vacancies, and a majority of said Board, including the President, shall constitute a quorum for the transaction of business, and may pass such by-laws, not incompatible with this act, nor the laws and Constitution of this State, for the Government of the School, as they may deem proper. They shall elect a President and Commandant, qualified to give instructions conjointly in the course of studies pursued by the cadets of the United States at West Point, in a thorough, classical course, and in such other branches of knowledge as they may deem necessary, and shall fill all vacancies occurring in the same.

SEC. 5. That the President of said School shall be *ex-officio* President of the Board of Trustees, and if at any

meeting of the Board he shall be absent, a Chairman *protem* shall be elected; also, that said President shall be *ex-officio* Treasurer of said Board, and shall be charged with the duty of collecting and disbursing all sums of money received for tuition fees, the payment of Assistants or Professors, and shall, with the consent of said Board, buy, sell, or dispose of books, apparatus, and other property for the use of said School.

SEC. 6. That the President shall have the power of selecting such Assistants or Professors as shall be necessary, and that said President, Commandant, and Assistants, or Professors, shall constitute the Faculty of the School, with power to prescribe a course of studies, select Text Books, to establish rules and regulations for the government of themselves and pupils, to punish, reprimand, suspend or expel any student for misconduct, and fix the rates of tuition, and do all things necessary for the internal management of the affairs of the School; *Provided*, the appointment of said Assistants or Professors shall be subject to the approval of said Board, or a majority thereof.

SEC. 7. That the President, Commandant, and Assistants, or Professors, and students, shall constitute a military corps. The Governor shall issue a warrant of appointment to each student who shall be styled a Cadet. He also shall issue the commission of Colonel to the President, of Lieutenant Colonel to the Commandant, and such other commissions to Professors and Cadets as may be necessary to fill the offices created by the Faculty or Board of Trustees, and is authorized to cause to be issued to the Academy the necessary and suitable arms and equipments on the requisition of the President thereof, who shall execute to the Governor of the State of Tennessee, a bond for double the value of the arms, with satisfactory securities, conditioned for the safe keeping of said arms, and the safe return thereof to the Executive of the State whenever such return may be required, or demanded; and the parents or guardians of each student shall be responsible to said President for such arms and equipments as may be placed in his hands to be used by him as a Cadet of the Academy.

SEC. 8. That the President alone, or any two of said Board of Trustees, shall have power to call meetings of said Board at any time.

SEC. 9. That the Governor shall annually appoint a Board of Visitors, consisting of seven persons, to attend the examination of the Cadets at least once a year, and it shall be their duty to ascertain the proficiency of Cadets

in the various departments of learning in which they have been engaged, to inspect the public property and arms at the Academy, make a full report of their condition as well as the condition of the School to the Governor, with such suggestions as may appear necessary to be attended to, to promote the efficiency and prosperity, to be by him laid before the General Assembly.

SEC. 10. That the property of the Academy shall be exempt from taxes.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 13, 1858.

CHAPTER 60.

AN ACT to charter the Virginia, Tennessee and North Carolina Railroad Company, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the formation of a Company is hereby authorized, for the purpose of constructing a railroad, McAdamized turnpike, or plank road, from the Tennessee and North Carolina State line, at or near David Bener's Store, *via* Taylorsville, on the best and most practicable route to the Virginia and Tennessee State line on the Laurel Fork of Holston River, where the Virginia and Tennessee State line crosses the Laurel Fork of Holston River, or as near that point as may be practicable, which Company shall consist of stockholders, and when formed shall be a body corporate by the name and style of the Virginia, Tennessee and North Carolina Railroad Company, which Company shall have the privilege of constructing between said places either a Railroad, for steam or horse power, McAdamized turnpike or plank road, as they may think most practicable.

SEC. 2. *Be it enacted,* That if said Company shall determine to construct a Railroad, they shall have, possess, enjoy, and exercise, all the rights, powers, privileges and franchises, so far as the same are practicable, which the East Tennessee and Virginia Railroad has by the terms of an act passed the 27th of January, 1848, entitled, An act to incorporate the East Tennessee and Virginia Railroad Company, and be subject to the same liabilities therein imposed.

SEC. 3. *Be it enacted,* That the capital stock of said Company, if it be determined to build a Railroad, shall be two hundred thousand dollars, to be divided into shares of twenty-five dollars; and Green Moore, M. M. Wagner, R. R. Butler, Samuel E. McQueen, John H. Vant, D. Bowers, A. D. Smith, Joseph Grace, James Donnelly, John K. Hughes, Isaac McQueen, Joseph Johnson, William Venable, James Brown, Jacob Wagner, Jr., E. Dougherty, and David Duff, be, and they are hereby appointed Commissioners, who may, at such times and places, upon such terms as they may think proper, open books for subscription of said stock, who shall, as to the road, in all respects, have the power, and perform the duties prescribed for the Board of Commissioners of the East Tennessee and Virginia Railroad Company, so far as they are applicable to this road, and whenever the number of three hundred shares are subscribed, the Company shall be considered as formed, as having a corporate existence as aforesaid, and the Board of Commissioners may proceed to survey the road, or route of the road, and make an estimate of the cost of its construction; and when six hundred shares shall have been subscribed, the Board of Commissioners shall appoint a time for the stockholders to meet at Taylorsville, for the purpose of electing a President and six Directors, to manage the affairs of the Company. The President shall be elected as the other Directors, by a direct vote of the stockholders.

SEC. 4. *Be it enacted,* That the Board may call for the payment of stock subscribed, in sums not exceeding five dollars in the share in every sixty days, and to enforce its payment; the same remedy is given as in the act aforesaid.

SEC. 5. *Be it enacted,* That if the above named Commissioners shall determine not to avail themselves of the provisions of the foregoing charter, the said Commissioners shall have the privilege of forming a Company, for the purpose of making a turnpike, McAdamized, or plank road as they may deem proper or expedient, and avail themselves of the provisions of an act passed February 7, 1850, entitled, "An act to authorize the formation of Turnpike Companies;" and after said Company shall be organized, they may proceed to lay off said road on the nearest, best, cheapest, and most practicable route from the Tennessee and North Carolina State line, at or near David Bewer's Store, *via* Taylorsville, to the Virginia and Tennessee State line on the Laurel Fork of Holston River, where the said line crosses the Laurel Fork of said River, or as near that point as may be practicable.

SEC. 6. *Be it further enacted,* That nothing contained

in this act shall be construed as in any way to grant State aid to said road.

Extending time
to the Nashville
and Northwest-
ern Railroad.

SEC. 7. *Be it further enacted*, That the Nashville and Northwestern Railroad Company shall have the further time of two years in which to get the stock and prepare a section for the iron, as required by law: *Provided*, this shall not interfere with the rights of stockholders.

To extend time of
acceptance to the
Central Southern
Railroad.

SEC. 8. *Be it further enacted*, That the Central Southern Railroad Company shall and may have the further time of thirty days, in which to accept the provisions of an act passed by the present General Assembly, entitled, "An act to release the State from certain liabilities, and for the benefit of the Central Southern Railroad Company."

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 13, 1858.

CHAPTER 61.

AN ACT for the benefit of John W. Hoodenpile, Aaron Ballenger, John Sharp, George Moser, and George Akens.

May build dam
in Sequatchie
River.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Hoodenpile be authorized to build a mill dam across Sequatchie River, in Hamilton county, at some point between William Stewart's and the mouth of Coop's Creek.

SEC. 2. *Be it further enacted*, That John W. Hoodenpile is authorized to build said mill dam across Sequatchie River five feet high, if he deems it advantageous so to do.

SEC. 3. *Be it further enacted*, That all laws declaring Sequatchie River navigable, are hereby repealed.

A. B. B. may
build dam in
Holston River.

SEC. 4. *Be it further enacted*, That Aaron Ballenger may have the privilege of building a dam in Holston River at or near Smoky Island, for the purpose of erecting mills on said river; *Provided*, said dam does not interfere with the navigation of said river.

J. Sharp may
build dam in
Clinch River.

SEC. 5. *Be it further enacted*, That John Sharp and George Moser, of the County of Campbell, are hereby authorized to build a mill dam in Clinch River, for the purpose of erecting mills and other water works on said River: *Provided*, said dam does not obstruct the navigation of

said stream as contemplated by former acts of the Legislature on the subject.

SEC. 6. *Be it enacted*, That George Akens is hereby authorized and empowered to build a mill dam across the South Fork of Obion river at or near Shade's Bridge, in Gibson county. George Akens may build a mill dam.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 15, 1858.

CHAPTER 62.

AN ACT to incorporate St. Peters' Literary Association in the City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas L. Grace, Raymond A. Gangloff, and James V. Daly, be, and they are hereby created a body politic and corporate, with succession for a period of ninety-nine years, under and by the name of "St. Peter's Literary Association," and by that name may sue and be sued, plead and be impleaded, in any court of justice in this State.

SEC. 2. *Be it enacted*, That the said Corporation shall have authority to erect and establish an Academy or College in the county of Shelby, in this State.

SEC. 3. *Be it enacted*, That the said Corporation may obtain and hold, by purchase or otherwise, any property real or personal, and may dispose of the same at pleasure, for the purposes of the Association and not otherwise.

SEC. 4. *Be it enacted*, That the said Corporation shall have power to enact by-laws for their own government and for the government of institutions under their charge, and to create such officers as may be necessary: *Provided*, that such by-laws are not inconsistent with the laws of this State or the United States.

SEC. 5. *Be it enacted*, That the said Corporation may increase its membership to ten members; members to be admitted and vacancies to be filled by the votes of a majority of the members of the Corporation.

SEC. 6. *Be it enacted*, That this charter may at any time, by any future Legislature, be repealed, or modified: *Maybe repealed.* *Provided*, that if said corporation should be dissolved, all its property, real and personal, shall remain and vest in the several members of said Association.

DANIEL S. DONELSON,
Speaker of the House of Representatives

JOHN C. BURCH,
Speaker of the Senate.

Passed February 15, 1858.

CHAPTER 63.

AN ACT to amend the acts incorporating the City of Knoxville; establishing a voting place in East Knoxville, and then a Constable; and establishing a voting place at Pearce's Mill, in Rheatown, and to extend the corporate limits of Maryville, in Blount county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the acts incorporating the City of Knoxville be so amended as that all taxes accruing from property within the corporate limits of said city north and east of a line to be thus defined, viz: Commencing at the centre of the Bridge of the East Tennessee and Georgia Railroad Company, over Second Creek, thence with the centre of the central tracks of E. T. and Ga. Railroad Company, and E. T. and Va. Railroad Company, to the point where the track of the latter enters the ground conveyed to the Knoxville and Charleston R. R. Company, for depot purposes, by Wm. H. Sneed; thence a southerly direction with the western boundary line of said tract so conveyed, to First Creek, be and the same are hereby directed to be set apart by the Mayor and Aldermen of Knoxville to be used exclusively in the improvement of streets and ways within the territory incorporated lying north and east of the above described line, and not otherwise.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Mayor and Aldermen to appoint annually a Committee of three of the inhabitants of said Territory, whose powers and duties it shall be to see that the taxes so levied and collected, are set apart and faithfully applied as herein before directed: *Provided*, that nothing contained in this act, shall be construed as releasing said

property from liability for taxes to the same extent as other property in said City, not lying north or east of said line.

SEC. 3. *Be it further enacted*, That a voting place be and is hereby established in East Knoxville, and in all national, State, and county elections, in which the citizens of the said town are qualified to vote, polls shall be opened and elections held at the callaboose in said Corporation in conformity to existing laws in relation to elections.

A voting place in East Knoxville.

SEC. 4. *Be it further enacted*, That the qualified voters of East Knoxville are hereby authorized to elect a Constable, who shall exercise all the rights and powers, and be subject to all the liabilities of other constables in the State: *Provided*, that nothing contained in this act shall be so construed as releasing the citizens and property north and east of the line designated in this act from the payment of their proportionate part of any liability incurred by the City of Knoxville in consequence of any issuance of the bonds of said City for railroad purposes, made since the extension of the corporate limits of Knoxville so as to embrace the said Territory. *Be it further enacted*, That the section of this act which provides for the creation of a voting place in East Knoxville, and authorizes them to elect a Constable, shall take effect from the passage of this act.

May elect a Constable.

Take effect from passage.

SEC. 5. *Be it enacted*, That the corporate limits of the town of Maryville, in Blount county, be enlarged and extended as follows, to wit: Beginning near the creek on the line between W. J. Toole, Jr., and John Coffin's, thence to run over the hill with the Miller's Cove Road, to where the ditch crosses it from Toole's to Coffin's meadows, thence an east course to the centre of the Tercaleecher Road near the east corner of James Carnes' lot, thence with that road to the road on the top of the ridge, in east Maryville, thence a west course to the old barn on said road, thence a north course, so as to include in the corporation the property owned by Abner Farr, thence straight to the creek, thence up the meanders of the creek to the line of the old town, and that the jurisdiction of the Mayor and Aldermen of said town of Maryville, and all existing ordinances, rules and regulations thereof, be, and the same are hereby extended over the territory embraced within the boundaries aforesaid, as fully, and to the same extent as the same are now over the territory now incorporated.

Extending corporation of Maryville.

SEC. 6. *Be it enacted*, That all the powers, and privileges, rights and disabilities, pertaining to said Corporation, and the Mayor and Aldermen and all other officers thereof,

under the existing Statutes and laws of the State of Tennessee over the territory, its inhabitants and property at present incorporated, shall be extended over the territory, its inhabitants and property embraced within the limits and boundaries mentioned in the first section of this act, and nothing herein contained shall be so construed as to effect or limit any of the chartered rights or privileges of said corporation, but to extend the same over the territory and to the extent aforesaid.

To establish a voting place at Pearce's Mill.

SEC. 7. *Be it enacted*, That there shall be a voting place established at the mill house of Isaac M. Pearce, in the corporation of Rheatown, in the county of Greene, at which place all Federal, State, and county elections shall be opened and held, at the same time and under the same rules, regulations, and restrictions that elections are held at other places in said county.

SEC. 8. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 15, 1858.

CHAPTER 64.

AN ACT giving John G. Simpson, L. D. Simpson and Daniel Simpson, the further time of two years to complete their Turnpike; and to revive the Act of the 16th of January, 1844, granting a Charter of a Turnpike Road to Abner Phillips, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John G. Simpson, L. D. Simpson, and David Simpson, of the county of Fentress, have the additional time of two years, within which to complete their Turnpike road.

SEC. 2. *Be it further enacted*, That Wm. Piles, Jr., W. C. Wood and W. A. Gilbreath, be and they are hereby appointed Commissioners in said Turnpike Company, in the room and stead of Wm. Travis, David Travis and Caleb Harman; and that this act shall take effect from and after its passage.

To revive A. Phillips' Turnpike.

SEC. 3. *Be it enacted*, That the charter of a Turnpike road granted by the General Assembly of the State of Tennessee, to Abner Phillips, passed 16th January, 1844, chapter 106, section 12, be and the same is hereby revived,

and that Thomas Wood be associated with said Abner Phillips as joint owner and proprietor in said road.

SEC. 4. *Be it further enacted*, That said Turnpike road shall commence at a point a little north of the residence of R. P. Herendon on the Richardson road in Fentress county, running thence the most practicable route, so as to intersect Scott road at or near the bridge on the Clear Fork of Cumberland river.

SEC. 5. *Be it further enacted*, That all the provisions of the charter granted to A. Phillips and John R. McGhee, on the 23d January, 1852, be and the same are hereby made to apply, with equal force in all its provision, to this Turnpike road herein specified.

SEC. 6. *Be it further enacted*, That William H. McGhee and R. P. Herendon, be and they are hereby appointed Commissioners of said Turnpike road, with the same power and duties of the Commissioners of Phillips, and McGhee's, road mentioned in this act, chartered January, 23, 1852.

SEC. 7. *Be it enacted*, That said Phillips and Miat have the further time of five years, in which to complete their road.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed February 16, 1858.

CHAPTER 65.

AN ACT to promote Common School Education in the City of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the city of Clarksville be, and they are hereby empowered to levy a tax on all property and polls within the corporation of Clarksville, now taxable by law, not exceeding one-tenth of one per cent. on property, and twenty-five cents on polls for common school purposes, to be levied and collected, at such times and in such manner, as the other revenue of said corporation is now by law levied and collected. May levy a tax.

SEC. 2. *Be it further enacted*, That the fund hereby authorized to be raised, shall, when collected, be disbursed

Now disbursed.

in the following manner, *to wit*: Whenever the Common School Commissioners of the 12th Civil District for Montgomery county shall draw their order on the Treasurer of the corporation aforesaid, accompanied by the certificate of the County Trustee, that the Common School Fund for said 12th District is exhausted, and that he has no funds in his hands for said District, it shall be the duty of the Treasurer aforesaid, to pay said order of the Common School Commissioners; which order shall, in all cases, be drawn for the amount actually needed to defray the expenses of the Common School for the 12th Civil District, after the exhaustion of the Common School Fund, now by law, annually accruing to said 12th Civil District, and for no greater sum.

SEC. 3. *Be it further enacted*, That, if at the close of each year, there shall be remaining in the hands of the Treasurer aforesaid, any portion of the fund hereby authorized to be raised, and the Common School Commissioners shall demand no portion thereof for Common School purposes, the said Mayor and Aldermen shall appropriate such balance as other ordinary revenue.

SEC. 4. *Be it further enacted*, That this act shall be and remain in force so long as the Common School for the 12th Civil District of Montgomery county, shall be located in the town of Clarksville, and no longer.

Amending the
charter of Clark-
ville.

SEC. 5. *Be it further enacted*, That the 8th section of an act passed December 20th, 1855, entitled, "An Act to amend and reduce into one, the acts relating to the charter of the town of Clarksville," be so amended as to authorize the corporate authorities of said town to levy a tax of one per cent. on each one hundred dollars of the value of the property within the corporate limits, instead of one-half per cent. as mentioned in said act.

Red river not
navigable.

SEC. 6. *Be it further enacted*, That all laws or parts of laws, declaring Red river, emptying into Cumberland river near Clarksville, to be navigable, be and the same are hereby repealed.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed February 16, 1858.

CHAPTER 66.

AN ACT to amend an act passed 29th October, 1819, Chapter 111, entitled An Act to incorporate the inhabitants of the town of Carthage, in Smith county; and to amend an act passed March, 1854, entitled An Act to incorporate the Zena Mining and Manufacturing Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the town of Carthage, shall have power and authority to enact and pass such laws and ordinances as are necessary and proper to preserve the order, peace, comfort, quietude of said town, and suppress drunkenness within the limits of said town, to construct wharfs and other conveniences, and by ordinance direct the manner in which they shall be used, and to do all other things necessary to be done by corporations; to cause foot pavements and side walks to be constructed, graded and leveled in the streets of said town, and on the public square, by the owner or owners of lots adjoining the same; and if the owner or owners of any lot shall fail to comply with the provisions of such a law or ordinance, within such time as may be prescribed thereby, the Mayor and Aldermen may contract with some suitable person or persons for the construction or repair of the same, and pay for the same, and the amount paid by said corporation shall constitute a charge against the owner or owners, of the lot or lots, to be recovered by suit in the name, and for the use of the corporation, before the Corporation Court, or before any Circuit Court, or Justice of the Peace. They shall have power and authority to grant the use of portions of the street to such persons as may be carrying on improvements on the lot, or lots, or public square, adjoining the same, for the purpose of piling lumber, stone, brick or other materials for building: *Provided*, they shall not pass any law or ordinance granting such use or liberty for a greater distance than fifteen feet from the outside curbing of the foot pavement, or side walk in front of such lot, or lots, or public square, into the street, nor for a greater space of time than twelve months in any instance; any obstruction extending further into the street than the distance aforesaid, or remaining a longer space of time than the time aforesaid, shall be deemed and held a nuisance. They shall not have power to impose any fine, penalty or forfeiture, in any instance, greater than fifty dollars. They shall have power and authority to enact all necessary and proper laws and ordinances, providing for the collection of the corporation taxes. A committee of Aldermen

shall make out a list of the taxable property in said corporation, once in every year, and annex to the name of each person liable to pay tax, the amount of tax by him, her or them due; said list shall be returned to the Recorder, who shall for a time not less than ten days, permit any person wishing to inspect said list, to do so; and public notice in writing of the time, within which said list may be so inspected, and the place where it may be so inspected, shall be posted on the court house door, in the town of Carthage, by the Recorder. If any person or persons, thinking himself, herself or themselves aggrieved, shall make objections to said list, such objection shall be determined by the Board of Mayor and Aldermen, and after said list has been submitted to inspection as aforesaid, for the time prescribed by the ordinance of the corporation, the Recorder shall furnish the town Constable with said list, corrected as aforesaid, and said list shall be his authority for collecting said tax, and shall have the same power and efficacy in said Constable's hands as is attached by law to books or lists now required by law to be furnished to the Revenue Collector, by the respective County Court Clerks of this State: *Provided*, nothing in this act contained, shall be construed as a repeal of that portion of the act of 1819, chapter 111, which prescribes the mode of selling real estate for corporation tax, and provided, also, that said corporation tax shall in no instance exceed the State and county tax of Smith county, and provided, also, that no other persons or property shall be liable for corporation tax, than such persons and property as are liable for State and county tax.

SEC. 2. *Be it enacted*, That the Mayor, after his election, and before entering upon the discharge of the duties of his office, shall take the following oath, to be administered to him by some Judge, or Justice of the Peace: You do solemnly swear, (or affirm) that in the discharge of the duties incident and belonging to the office of Mayor of the town of Carthage, you will not be governed by partiality or prejudice, affection or hatred, the fear of punishment or hope of reward, but will faithfully discharge the duties of said office during your continuance in office, according to law and justice to the best of your ability; and will pay to the Recorder and Treasurer all monies belonging to the Corporation, which may come to your hands; that, at the termination of your term of office, and when your successor shall be elected and qualified, you will deliver up to said successor your docket, and all bonds and valuable papers belonging to said corporation, so help you God.

The Mayor shall have jurisdiction of all offences against the laws and ordinances of the corporation of the town of

Carthage, which are or shall be made punishable by fine, by such laws and ordinances. He shall have power to issue all necessary and proper original *mise*, and final process, and to render judgments in all cases over which he may have jurisdiction; and such process shall be directed to the town Constable, or to the Sheriff or any Constable of Smith county; and such process shall have the same power and efficiency in the hands of any such Sheriff or Constable, as similar process issued by a justice of the peace, and such process shall extend to the limits of said county, and all executions issued by the Mayor shall be returnable to his office within thirty days from the date of the issuance, and be regulated in all respects by the same rules prescribed by law, in reference to executions issued by justices of the peace. He shall have power to issue subpoenas for witnesses, directed as other process, to appear before him instanter at his office, or at such time and place within the limits of the corporation as he may designate, under penalty of twenty-five dollars, to be recovered by action of debt before any justice of the peace, for the use of the corporation or the person or persons in whose behalf such witness may be summoned. He shall have power and authority to issue all necessary and proper process for the arrest of any person or persons, charged in the manner hereinafter specified, of a violation of any of the laws and ordinances of said corporation, which is made punishable by fine. He shall have power to order such arrest whenever he is informed of such violation by the town Constable, or any one or more of the Aldermen of said corporation, as having occurred in his or their view or presence, or whenever the fact of such violation is brought to his knowledge, by the statement, on oath, of any other person. He may also order such arrest *ex officio* whenever such violation occurs in his own view or presence, and whenever such person or persons, so offending, shall be convicted of such offence, the Mayor shall enter a fine against him, her or them, of not less than one nor more than fifty dollars, and if such person or persons shall not pay said fine and costs, or secure the same to be paid within a reasonable time, the Mayor shall have power and authority to order such person or persons to be confined in the jail of Smith county, until said fine and costs are paid, or secured to be paid, and may order such person or persons to remain in the custody of the officer having him or them in charge, during such reasonable time after conviction, and before committing him or them to said jail: *Provided*, he shall not have power and authority to order any person or persons to be confined in said jail for a longer

space of time than five consecutive days and nights, in any instance. He shall keep a docket upon which he shall write out his judgments in the same manner that justices of the peace, in this State, are now required by law to do, and it shall be lawful for him at any time to take security for the fine by him assessed, together with the costs of suit, and in the same manner that stays of execution are made by law, taken by justices of the peace, and the same shall be valid, binding on said security or securities. An appeal shall lay upon his judgments to the Circuit Court of Smith county, in the same time that appeals from judgments of justices of the peace, to the Circuit Court are allowed by law. The Mayor shall have power and authority to administer oaths in the same manner, and in every instance in which judicial officers of this State, are authorized to administer oaths. He shall have power and authority to take depositions in all suits both at law and in equity, and shall have power in such cases to issue subpoenas for witnesses directed as similar process issuing from a justice of the peace. He shall receive and keep the official bonds of the town Constable and Recorder. All penalties and forfeitures may be recovered by action of debt before any justice of the peace, or Circuit Court, and no justice of the peace residing within the limits of said corporation, shall be disqualified to preside in such cases, by reason of any interest he may have in said suit or suits, in common with other citizens of said corporation, and in the temporary absence of said Mayor from town, and in case also the office of Mayor shall become vacant from any cause whatever, in either of said events the justice or justices of the peace residing within the limits of said corporation, shall be invested with the powers and authority by this act, or the act of 1819, chapter 111, conferred upon the said Mayor, during such absence, and until such vacancy may be filled.

SEC 3. *Be it enacted*, That it shall be the duty of the jailor of said county to receive and keep in jail any person who may be committed by said Mayor, or town Justice, to his charge, under the power granted by this act, and all disorderly and riotous persons committed to his charge in night time, by said town Constable, until they be released, for which he shall receive the same fees as in other cases of imprisonment.

SEC. 4. *Be it enacted*, That before the Recorder enter upon the duties of his office, he shall take an oath before some justice of the peace or the Mayor, honestly and faithfully to discharge the duties of his office, and shall also enter into bond, with good and sufficient security, in the

penal sum of one thousand dollars, payable to the said Mayor and Aldermen, and their successors in office, conditioned that he will faithfully perform the duties of his office of Recorder and Treasurer, and that he will faithfully account to the said corporation, for all money paid into his hands by the town Constable or other person, for the use of the said corporation.

SEC. 5. *Be it enacted*, That if through failure to make an election of Aldermen, or from any other cause, there should cease to be a regularly constituted acting Board of Mayor and Aldermen for said corporation, for the space of eighteen months at any time, any one or more free white citizens residing within the limits of said corporation, thinking himself, herself or themselves aggrieved, may file his, her or their bill, or petition in the Circuit Court of said county, stating that there is no regularly authorized Board of Mayor and Aldermen of said town, and the manner in which there has ceased to be any, and that he, she or they saw reason to believe that there are effects in the hands of certain persons, belonging to said corporation, and naming such person or persons, and the amount of such effects, and their description, which bill or petition shall make such person or persons defendants thereto, and shall be sworn to, whereupon said Circuit Court, in addition to the jurisdiction already possessed by said Court, shall be invested with all the extraordinary power, as a Court of Chancery, to issue attachments, and other necessary and proper process to compel the production and forthcoming of bonds, and every other species of property repleviable, as in other cases, upon bond and security, and wherein such instance, money or other property shall be recovered by final decree, or judgment of said Circuit Court it shall be for the use of said corporation, and the said court shall appoint a receiver to take possession of such effects and appropriate the same to the benefit of said corporation, under the control and direction of said Circuit Court; and whenever the bond of any Constable or Recorder may be recovered by such proceedings, said Circuit Court shall without declaration and pleas, order a reference to the Clerk, to take proof and state an account of the indebtedness of said Constable or Recorder, on said bond, and shall render a decree in favor of complainants for the use of the corporation, against such Constable or Recorder, and his securities, for such amount as shall be found due the corporation upon final hearing.

SEC. 6. *Be it enacted*, That the 58th section of the act of the General Assembly of the State of Tennessee, chapter 294, passed March 1854, entitled An act to incor-

To amend charter
of Fitch Mining
Co.

Trustees of Madison College.

porate the *Ætna Mining and Manufacturing Company*, and for other purposes, be so amended that there shall be twenty-five Trustees of Madison College, located at Spring creek, Madison county, in Tennessee, instead of fifteen now authorized by the act above referred to, and that the following persons be, and are hereby declared the Board of Trustees of said Institution, viz: John C. Rogers, John L. Moore, Alexander Askew, Jeremiah P. Haughton, John R. Woolfork, Meredith H. Neal, Joseph R. Rutledge, Champ C. Conner, Senr., George W. Young, Reuben Day, Henderson Owen, Benjamin Hicks, Jacob Hill, Samuel P. Clark, Dr. Robert Nesbit, Jno. K. Pearce, A. R. Jones, Aaron Jones, Jerry Crook, Senr., Col. John Blackwell, Profr. Wm. Shelton, Robert S. Thomas, Dr. Wm. Rhodes, Dr. John West and Rev. Wm. Noland, and their successors be, &c.

SEC. 7. *Be it further enacted*, That section 61 shall be so amended as to read "institution," instead of institute.

SEC. 8. *Be it enacted*, That section 63d be so amended as to read, the Board shall hold its annual meetings at the close of each scholastic year.

SEC. 9. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 17, 1858.

CHAPTER 67.

AN ACT to incorporate Marshland Cemetery, Jefferson county, Poplar Grove Male High School, in the county of Williamson, and the town of Cainsville, in the county of Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a corporation is hereby constituted and established under the name and style of the Marshland Cemetery, and in that name capable of suing and being sued, pleading and being impleaded, and of buying, holding, improving, disposing of, and governing, and protecting, a suitable lot for a burying, chapel, and Sexton's house, near the Presbyterian Church "Saint Paul," in the county of Jefferson, in the State of Tennessee, not exceeding forty acres, with power to lay off said

ground, and dispose of the same, in such manner as the Board of Trustees of said corporation, may, from time to time determine.

SEC. 2. *Be it enacted*, That the Board of Trustees shall have power to enact by-laws for the regulation and government of said corporation, its affairs, officers and agents, and to fill vacancies in their Board, as they may occur, provided they are not inconsistent with the Constitution or laws of the United States, or the State of Tennessee.

SEC. 3. *Be it enacted*, That Augustus Rice, William ^{Trustees.} McFarland, Harris E. Dewitt, William McClister, David McClister, John W. Moser, Augustus F. Moser, and Joseph Hamilton (any five of whom are competent to transact the business for which they are appointed,) are hereby appointed Trustees, to select and purchase, for and in the name of said corporation, a suitable lot of ground for a cemetery immediately adjoining the present lot now owned by said Trustees, or as near the same as it can be procured and have the same laid off, with walks or streets, and in suitable lots, or other sub-divisions for family and other burying places, and to plant, and embellish the same with shrubbery, trees and other ornaments; and when the said Trustees, shall so lay out or appropriate any of their real estate for a cemetery or burying ground, as aforesaid, the same shall be a perpetual dedication thereof, for the purposes aforesaid and the real estate so dedicated shall be forever held by the said Trustees, and their successors in office, in trust, for such purposes and for no other, and the said Trustees shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial, and of erecting tombs and other monuments in any such designated lots, or sub-divisions, upon such terms and conditions and subject to such regulations as the said Trustees, shall, by their laws and regulations prescribe; and every right so granted and conveyed, shall be held for the purposes aforesaid, and for none other, as real estate by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

SEC. 4. *Be it enacted*, That the lots in said cemetery shall be indivisible, and upon the death of any proprietor of any lot in the said cemetery, the devisee of such lot, or heir or heirs at law as the case may be, shall be entitled to all the privileges of membership as aforesaid, and if there be more than one devisee, or heir at law, then and in that case a majority of the Board of Trustees for the time being shall designate which of the devisees shall represent

said lot, and their decision in that case as all others touching the premises aforesaid shall be final.

Free of tax.

SEC. 5. *Be it enacted*, That such lot of ground as said corporation may purchase with the one which they now hold for the purpose aforesaid, shall be forever exempt from taxation so long as the same shall be dedicated to the purposes of a Cemetery.

SEC. 6. *Be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument or grave-stone, or other structure placed in said Cemetery, or, any fence, railing, or other work for the protection or ornament of said Cemetery, or shoot off any fire-arms, or shall be found hunting for game in said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than three hundred dollars, and may be imprisoned in the county jail not less than one, nor more than thirty days, at the discretion of the court, according to the aggravation of the offence, and such offender shall also be liable to a civil action, at the instance of the corporation. In all suits brought against this corporation its members shall be competent witnesses.

SEC. 7. *Be it enacted*, That no road shall hereafter be opened through the lands of said corporation except by and with the consent of the Trustees of said corporation.

SEC. 8. *Be it enacted*, That the said Trustees may take and hold and grant, donation or bequest, of property upon trust, to apply the same, or the income thereof, under order of said Trustees, for the improvement or embellishment of the said Cemetery or any lot or structure, or buildings, or monuments thereon, consistent with the design and purposes of this act and according to the terms of said grant, donation, or bequest.

SEC. 9. *Be it enacted*, That the said Trustees, or a majority of them, shall choose from their own body a President, and shall appoint a Secretary, Treasurer and Sexton, and such other agents or officers, as they find it necessary to employ, and define and fix their duties, liabilities and compensation, provided that the President and Trustees shall not receive any pay or compensation for their services as such; and upon the Treasurer accepting his appointment, he is required to give bond and security, to be approved of by a majority of the Board of said Trustees, made payable to the President of said Board, and renewable every two years, and to be under oath for the faithful performance of the duties of his office; the said Trustees shall, through their Secretary, record the transac-

tions, at all their meetings in a well-bound book, which shall at all times be open to public inspection when called for.

SEC. 10. *Be it enacted by the authority aforesaid*, That James P. Alison, William Alison, Williamson Jourdon, James Ogilvie, Dr. Sam. Webb, Aly Scoles, W. N. Haley, and their successors in office, as Trustees, be and the same are hereby incorporated under the name and style of the Poplar Grove Male High School, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, to pass all by-laws and ordinances necessary for the government and control of said school, to employ instructors, and have a corporate existence of ninety-nine years.

To incorporate
Poplar Grove
Male High
School.

SEC. 11. *Be it further enacted*, That said institution shall be governed by seven Trustees, who, and their successors, shall constitute a body politic and corporate under name as aforesaid, a majority of whom shall constitute a quorum for the transaction of business. The first Board shall consist of the parties named; all vacancies that may occur in their body, shall be filled by the Board, and entered upon the minutes. They may elect from their own body a President, Secretary, and Treasurer, who shall hold their offices at the pleasure of the Board.

SEC. 12. *Be it further enacted*, That said Board shall have power to employ Teachers and Lecturers, fix the rates of tuition, prescribe the course of study, make all necessary rules and regulations, hold real and personal estate, by gift, purchase or devise, and sell or exchange the same, as the interest of the institution may require, to have a common seal, to confer, if they think proper, in conjunction with the Teachers, such literary degrees and diplomas as are usual in Academies; and have and enjoy all the powers and privileges that are incident to corporations of this description inclusive of the power to make all necessary rules and regulations relative to said Academy not inconsistent with the laws of the land.

SEC. 13. *Be it enacted*, That said Board shall have power to receive subscriptions of stock in said institution, in such sums and upon such terms as said Trustees may prescribe and designate; and the property and assets of the institution shall be governed by the board under such by-laws and regulations as the Trustees may from time to time declare.

SEC. 14. *Be it further enacted*, That in the conveyance of real estate, or the transfer of claims or other assets, the name of the President of the Board shall be

sufficient signature to make a perfect conveyance and transfer, if upon order of said Board the same be done.

To incorporate
Cainsville.

SEC. 15. *Be it enacted by the authority aforesaid,* That the citizens of the town of Cainsville, in the county of Wilson, be, and the same are hereby incorporated by the name of the Mayor and Aldermen of Cainsville; may sue and be sued, plead and be impleaded, contract and be contracted with, hold real and personal estate, assess taxes to improve the streets and public square, and pass all ordinances necessary for the benefit and good order of the town.

SEC. 16. *Be it further enacted,* That there shall be elected by the qualified voters of said town five Aldermen, which five shall, from their number, elect one to be Mayor, who shall hold their office for the term of twelve months and until their successors are elected, and it shall be the duty of the Sheriff of Wilson county, by himself or deputy, to advertise and hold the first election, giving ten days' notice of the time and place in said town, and said Board of Mayor and Aldermen may elect a Constable to execute, and perform all business necessary under the laws and ordinances of said town; and after the first election said Constable shall thereafter hold elections for Mayor and Aldermen as provided in this act, shall give bond and security for the performance of his duties, in such sum as the Board of Mayor and Aldermen may appoint.

SEC. 17. *Be it further enacted,* That three of the Aldermen shall constitute a Board to perform and transact all the business; they shall keep a record of the proceedings, and shall have power to make all by-laws and ordinances necessary for the government and good order of the town, not inconsistent with the laws of this State.

SEC. 18. *Be it further enacted,* That the corporate limits of said town shall include the residence of the late W. W. Huddleston, and also the house of W. C. Martin, and of T. L. Huddleston, and a circle running through these points shall define the limits of the corporation of said town.

SEC. 19. *Be it further enacted,* That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 17, 1858.

CHAPTER 68.

AN ACT to repeal the third and fourth sections of an act entitled, An act to amend the charter of the city of Nashville, passed on the 23d February, 1856.

Be it enacted by the General Assembly of the State of Tennessee, That the third and fourth sections of an act, entitled, An act to amend the charter of the City of Nashville, passed on the 23d February, 1856, be, and the same is hereby repealed from and after the passage of this act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 17, 1858.

CHAPTER 69.

AN ACT to incorporate the town of New Providence, in Montgomery county, and Normandy, in Bedford county, and to incorporate the inhabitants of Fall Branch, in the county of Sullivan, and to incorporate the town of Clarksburg, in the county of Carroll, and to establish a new civil district in East Knoxville, and to amend an act, entitled, An act to reduce the several acts incorporating the town of Nashville into one act, and to amend the same, passed January 31, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the section of country comprised within the following limits, to wit: Beginning at the mouth of Red river, where the same discharges into the Cumberland river, running thence with the meanderings of Red river up to the present ford, thence with said ford road northwardly, leaving said road so as to include the residence of Jack Price, thence northwardly so as to include the residence of James Daly and Richard Bridgewater, to the Cave Spring Branch; thence up said branch to its source, thence in a line so as to include the residence of John Bandy, to the junction of the Clarks-ville and Hopkinsville Turnpike road, with the road leading to Peacher's Mills, thence with said pike to the cut-off, therefrom to the Dover road for Linwood Landing, thence by the said cut-off to the Dover road; thence with the Dover road to the regular road leaving the same for Linwood Landing, thence down said named road to a stake in the Linwood Landing road, which said stake is situated in

a line in said road, due west of the Methodist Church, thence due east to said church, thence south, down the branch to the Cumberland river, thence with the meanderings of said river to the beginning; and the inhabitants dwelling in said limits be and are hereby incorporated and constituted a body politic and corporate, by the name and style of the town of New Providence, having succession for ninety-nine years, and shall have all the powers and privileges granted by an act passed December 20, 1855, entitled, An act to amend and reduce into one, the acts relating to the charter of the town of Clarksville.

Normandy.

SEC. 2. *Be it further enacted*, That the citizens within the following boundary in the county of Bedford, be, and they are hereby incorporated in a body politic, under the name and style of the Mayor and Aldermen of the town of Normandy, beginning in the spring on the East side and near the Nashville and Chattanooga Railroad, running thence east to the creek, thence south with the meanders of the same, including the residence of James Crenshaw, thence west, including Middleton Holland's residence, and another fine spring, crossing said Nashville and Chattanooga Railroad, continuing west to a point opposite and embracing the grounds designated for a Cumberland Presbyterian Church house, thence north to a point on the top of a high ridge opposite the first mentioned spring, thence east to the beginning. *Be it further enacted*, That on the first Saturday in March, of each and every year, the Sheriff of Bedford county shall open and hold an election for seven Aldermen, in said town, who shall serve for twelve months from their qualification as such, or until their successors are elected and qualified, any five of whom shall be a quorum for the transaction of any and all business: *Provided*, that if from any cause said Sheriff shall fail to hold the election upon the day designated in this section, he may hold the election upon some other day, after giving ten days' notice of the time and place of holding said elections. *Be it further enacted*, That the said Board of Aldermen shall, at their first meeting elect one of their number Mayor, who shall perform the duties of the office of Mayor for the term of twelve months, or until his successor shall be elected and qualified; said Board shall also elect all other officers provided for in said corporation.

lection.

SEC. 3. *Be it further enacted*, That all the powers and privileges granted by this bill to the Mayor and Aldermen of the town of New Providence, except so far as the same may be changed, in the foregoing sections, be vested in the said Mayor and Aldermen of the town of Normandy.

SEC. 4. *Be it further enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the town of Fall Branch, in the counties of Sullivan and Washington, are hereby constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of the Corporation of Fall Branch, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, receive, purchase, hold and sell, real, personal, and mixed property, for the use and benefit of said Corporation, and may have and use a common seal.

SEC. 5. *Be it further enacted,* That the limits and boundaries shall be fixed by the citizens living in said town, but the house and lands of no citizen shall be embraced within said incorporated town without his or her consent.

SEC. 6. *Be it further enacted,* That the charter of incorporation of the town of Bristol, in the county of Sullivan, passed February 22, 1856, chapter 119, be, and the same is hereby adopted as the charter of incorporation of the town of Fall Branch.

SEC. 7. *Be it further enacted,* That the town of Clarksburg in the county of Carroll, and the inhabitants thereof living within the following bounds, to wit: Beginning at the southeast corner of the Church lot and running south to the branch in Dr. Henry McAll's lot, thence up said branch west, as far as the southwest corner of Wm. Y. Bevil's lot, thence north one hundred and twenty yards north of the New Camden and Hickory Flat road, thence east to Mrs. Porter's eastern boundary line, thence south to the beginning—be and they are hereby incorporated a body politic under the name and style of the Mayor and Aldermen of the town of Clarksburg, and by that name and style may have all the incorporate privileges given to the town of Huntingdon, by an act passed January 1, 1850, entitled, An act to incorporate the town of Huntingdon, in Carroll county, and for other purposes.

SEC. 8. *Be it further enacted,* That an election for Mayor, Aldermen, &c., shall be held on the first Saturday in April, in each and every year, under the same regulations and restrictions that are given to the inhabitants of Huntingdon by the second section of the act above referred to.

SEC. 9. *Be it further enacted,* That this act shall take effect from and after its passage.

SEC. 10. *Be it further enacted,* That from and after the passage of this act, the Territory embraced within the corporate limits of Knoxville, shall constitute a district—civil district—and that a new civil district is hereby cre-

Fall Branch.

Charter the town of Bristol.

To charter the town of Clarksburg.

New district in Knox county

ated in the county of Knox, composed of the territory embraced within the corporate limits of East Knoxville.

To modify.
Act of 1855-6.

SEC. 11. *Be it further enacted*, That the act of 1855-6, which provides that all incorporated towns may elect an additional justice of the peace, be, and is hereby so modified, that it shall not apply to incorporated towns composing distinct civil districts which adjoin county towns, and that any incorporated town, so adjoining the county town of any county in this State, and constituting a distinct civil district, shall only be authorized to elect two justices of the peace.

Corporation of
Nashville may
hold real estate
beyond its limits.

SEC. 12. *Be it enacted*, That the inhabitants of the City of Nashville, as the same extends and is laid out, are hereby constituted a corporation and body politic by the name and style of the Mayor and Aldermen of the City of Nashville, and by the same name shall have perpetual succession, shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease or dispose of the same, for the benefit of said city, and may purchase, receive, and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of a hospital, for a poor house, work house, or house of correction, or for a public park or promenade, or for any other purpose that the City Council may deem necessary and proper, and may sell, lease, or dispose of such property for the benefit of the City, and do all other acts, touching the same as natural persons; they shall have and use a common seal and change it at pleasure.

Shall elect Mayor
Board of Alder-
men, and Com-
mon Council.

SEC. 13. *Be it further enacted*, There shall be elected, by the qualified voters of said city, a Mayor, Board of Aldermen, and a Board of Common Council. The Board of Aldermen shall consist of one member from each of the wards of the City. The Common Council shall consist of two members from each of said wards, chosen by the qualified voters of their respective wards, which Boards, in their joint capacity, are denominated "*The City Council*;" they shall hold their meetings separately, and set such times as may be determined by joint or separate rule or action. All measures, originating with either house of the City Council, shall be transferred to the other for their action and concurrence. No bill shall become a law without first being passed on three several readings by a majority vote of both houses, and be signed by the Mayor. No person shall be eligible to either the office of Alderman or Councilman unless he be a citizen of the State of Tennessee.

sec, a *bona fide* citizen of the City, and a freeholder in the ward for which he is elected. Any Alderman or member of the Common Council, after the election, removing from, or ceasing to possess a freehold estate in his ward, shall thereby vacate his said office. Each Alderman and member of the Common Council, before entering upon the duties of his office, shall take an oath that he will faithfully discharge the duties of his office, without partiality, or affection. All vacancies occurring in either of said Boards shall be filled by the vote of a majority of the remaining members respectively. The members of each house shall elect one of their own number to be their presiding officer, who shall enforce such rules as may be adopted by each house respectively, for the government thereof.

SEC. 14. *Be it further enacted*, The Mayor shall be elected by the qualified voters of said City, and shall hold his office for one year, and until his successor shall be elected and qualified. No person shall be eligible to the office of Mayor who is not a citizen of the State of Tennessee, and who has not been a citizen of Nashville at least two years immediately preceding his election, and the possessor of a freehold estate in said city of at least of the value of five hundred dollars. Should he at any time after his election remove beyond the limits of, or cease to be such freeholder in said city, he shall thereby vacate his said office. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be referred back to the voters of the City, and held as before, within the next succeeding ten days. The Mayor shall carefully examine all bills passed, as required by the second section of this act, and should either or any of them not meet his approbation he shall return the same at next meeting of the City Council to that body in which it originated, with his objections in writing, who shall take the objections into consideration and proceed to the consideration of the bill. If after such reconsideration, two-thirds of both branches of the City Council, in their separate action, again pass the bill, it shall become a law. He may fill vacancies occurring in any office, except that of Aldermen, or Common Councilmen, not otherwise provided for by ordinance, appoint all standing Committees; he shall, whenever in his judgment, the good of the City may require it, summon meetings of the Board of Aldermen and Common Council; and it shall be his especial duty from time to time, to communicate to both branches of the City Council such information, and recommend all such measures, as may tend to the improvement of the

Duties of Mayor.

finances, and police government generally, take care that all the ordinances are duly respected and observed within the City, and perform such other duties as may by ordinance of the City Council be required of him, take an oath of office before entering upon the duties of the same. Should a vacancy occur in the office of Mayor, the same shall be filled by a joint vote of the two houses.

Compensation of
officers.

SEC. 15. *Be it further enacted*, The said City Council shall have power, and they are hereby authorized to provide for the appointment or election in such manner as they may see fit, all necessary officers for the good government of said City, they shall also fix the compensation of such officers, before their election, which shall not be increased, or diminished during their term of office, they shall also have full power, two-thirds of both branches of the City Council concurring, to dismiss from office any person that has been or may hereafter be elected to fill any office, created by the ordinances of the Mayor and Aldermen heretofore, or that may be by the City Council hereafter. And they shall have and possess full power to abolish any office as above, that has been or may hereafter be created.

Election shall be
held.

SEC. 16. *Be it further enacted*, That an election for Mayor and Aldermen, and Common Council, shall be held in each ward of said City, on the last Saturday in September in each and every year. The voters shall vote by ballot; every white male of the age of twenty-one years and upwards, being entitled to vote by the laws of this State, who shall have resided within the city six months next preceding the election at which he may offer to vote, shall be entitled to vote, but only in the ward where he resides. Non-residents owning a freehold in said City, being qualified to vote for members of the General Assembly of the State of Tennessee, shall be entitled to vote in the ward where their freehold is situated. And such person owning real estate in more wards than one, he or they may elect in which of said wards to vote, but shall not be allowed to vote in more than one. Judges of election for each ward shall be appointed by the existing Board of Aldermen, who shall take an oath to faithfully and impartially discharge their duties. They shall open the polls at 9 o'clock in the forenoon and close them at 4 o'clock in the afternoon, when they shall forthwith proceed to ascertain and transmit to the existing Mayor the result of such election, certified, and authenticated by the clerks and a majority of the judges of elections for each ward. The Mayor shall deliver to the City Recorder the returns as they may be received by him, who shall forthwith enter the same as

they are successively received in a book to be kept for that purpose. In cases where two or more persons have received an equal number of votes for Alderman or Councilman, the election shall be referred back by the Mayor to the voters of the ward, and held as before, within the next succeeding ten days, and all persons chosen in each ward as a member of either branch of the City Council, shall within two days after his election, be furnished by the City Recorder with a certificate thereof, which certificate shall be presumptive evidence of the title of such person to a seat, but each branch of the City Council, however, shall have authority to decide ultimately upon all questions relative to the qualifications, election, and returns of its members.

SEC. 17. *Be it further enacted*, That the power is hereby expressly and fully given to the said City Council, to establish by ordinance a uniform system of street grades and improvements, which shall extend to all alleys, lanes, and public thoroughfares.

Have power to
fix grade of
streets.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 18, 1858.

CHAPTER 70.

AN ACT to amend the charter of the Lewisburg and Mooresville, the Lewisburg, Conersville, and Pulaski, and the Gallatin Turnpike Companies; to incorporate the Charlotte and Harpeth Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John R. Hill, DeWitt C. Orr, Morgan Fitzpatrick and John L. Reading, of Marshall county, and S. W. Fitzpatrick, William H. Wilkes, Claiborne Taylor, Thomas Cheatham and W. Holt, of Maury county, be, and they are hereby appointed Commissioners to extend the Lewisburg and Mooresville Turnpike road, at or near Pleasant Grove, in Maury county, and that said Commissioners and their successors in office are hereby appointed a body politic and corporate by the name of the Commissioners of the Lewisburg, Mooresville and Pleasant Grove Turnpike Company, and by that name they may sue and be sued, plead and be impleaded, with the right to contract and be contracted with, and to hold for the use of said Company real and mixed property sufficient to build and keep up said road.

Turnpike Com-
panies.

SEC. 2. That said Commissioners may, at such time and place as they may designate, open books for stock to build said road, and as soon as five thousand stock shall be subscribed for the building of said road, then the said Commissioners, or a majority of them, shall proceed to locate said road from Mooresville to the railroad near Pleasant Grove, and may, at such time as they deem advisable, proceed to let out the construction of said road, in whole or in part, and do all other things necessary for the completion and keeping up said road, and they shall have power to receive subscriptions for the building of said road, to be paid in money or work as they may see proper to make their contracts.

SEC. 3. That all the rights, privileges and immunities now given to the Shelbyville, Farmington and Lewisburg Turnpike Company, are given to the Company thus created in relation to right of way, stone and timber, for the construction of said road, and the same fees as now allowed by law to said Shelbyville, Farmington and Lewisburg Turnpike Company. Said new road shall be graded and McAdamized according to the requirements of said last named charter. And the Commissioners herein appointed may make such arrangement as to the consolidation of the old and new road herein provided as they deem desirable. They shall have power to erect one toll-gate for every five miles of said road, at such places as the interest of the Company may demand.

Further time to
extend road.

SEC. 4. That the Lewisburg and Mooresville Turnpike Company, shall have the further time of three years to extend their road to the railroad in the vicinity of Lynnvile, in Giles county, instead of Lynnvile.

Further time to
the Lewisburg,
Cornersville and
Pulaski Turn-
pike.

SEC. 5. That the Lewisburg, Cornersville and Pulaski Turnpike Company, shall have the further time of three years to complete their said road.

Gallatin Turn-
pike Company
may remove gate.

SEC. 6. That the Directors of the Gallatin Turnpike Company, are hereby permitted to remove gate No. 4, on their road, to some place near where it is now located, so as to enable the Company to obtain ground upon which to erect their gate-houses; but the same is not to be so removed as to affect the rights of the community or those who travel on said pike.

Further time to
Walnut Moun-
tain Turnpike.

SEC. 7. That the Washington county and Walnut Mountain Turnpike Company, shall have the further time of four years to complete their road.

SEC. 8. That the Stone's river and Statesville Turnpike Company, shall have the further time of four years to complete their road.

SEC. 9. That the subscribers of stock for building a road from Charlotte, Dickson county, Tennessee, to or near the mouth of Harpeth, on Cumberland river, shall constitute a body corporate and politic, by the name and style of the Charlotte and Harpeth Turnpike Company, and as such may have succession for a period of ninety-nine years; and shall possess, have and enjoy all the rights, privileges and immunities, and be subject to all the limitations and restrictions mentioned and recited in the act passed by the General Assembly of the State of Tennessee, February 7, 1850, (and the acts amendatory thereto,) entitled An act to authorize the formation of Turnpike Companies.

To incorporate
the Charlotte and
Harpeth Turn-
pike Company.

SEC. 10. That L. L. Leece, W. B. Ross, W. J. McClelland, J. J. Hinton, B. C. Robertson, J. M. Larkins, are hereby appointed Commissioners to receive subscriptions to the capital stock of said Company, which said capital stock shall be eight thousand dollars, and may be increased to any amount necessary to build said road. Said Company may, however, be organized whenever the sum of four thousand dollars is subscribed. Said Company, when organized by the election of a President and such other officers as they may deem necessary, shall have power to build a road from Charlotte to a point at or near the mouth of Harpeth, on the Cumberland river, of such grade as may be convenient for hauling, and shall have six years to complete their road. Said Company shall not establish more than two gates on said road, one of which shall be in the vicinity of Charlotte, and the second to be located at any point beyond six miles of the first, where the Directors may see proper. Shares in the capital stock of said Company shall be twenty-five dollars each. The Board of Directors shall have power to adopt by-laws, &c.

SEC. 11. That the Millcreek Valley Turnpike Company be allowed the further time of three years, from the first of January, 1858, to complete their road.

To extend time to
the Millcreek
Valley Turnpike.

SEC. 12. That the White's Creek Turnpike Company, be, and they are hereby authorized to make a sale of their road, and to convey and transfer the same to the purchaser, with all the rights and privileges of receiving toll thereon, that now belong to said Company, and the other rights and privileges now appertaining to said Company in regard to said road; said purchaser to be liable in the management of said road to all the restrictions and penalties now binding on said Company, or to which said Company would be subject.

White's Creek
Turnpike Com-
pany may sell
their road.

SEC. 13. That before said sale, the assent of a majority of the stockholders of said Company, owning a majority of the stock thereof shall be given to such sale, and

such sale may be made after such assent, upon such terms, and in such manner as to the President and Directors shall seem expedient.

To amend charter
of Lagardo Turn-
pike.

SEC. 14. That so much of an act passed February 24, 1854, chartering the Lagardo Turnpike Company, be so amended that the style of said Company be the Lagardo and Bull's Branch Turnpike Company, and said road may be extended so as to intersect the Gallatin and Cumberland Turnpike at such point as the said Company may see fit, and the said Company shall have the time of two years to build their road.

Further time to
Cole's Ferry
Turnpike.

SEC. 15. That the Gallatin and Cole's Ferry Turnpike Company, have the further time of four years to complete their road, and that A. H. Halbert be and is hereby made one of the Commissioners of said road.

To incorporate
Clarksburg and
Dover turnpike.

SEC. 16. That James B. Halyard, Alex. Wood, S. Philpott, M. Pollard, Alex. Price, be and they are hereby incorporated a body politic, for the purpose of building a turnpike road from the county line of Stewart, to Clarks-ville, in Montgomery county, on or near the line of the Dover road, to be called the Dover and Clarks-ville Turnpike Company, with all the privileges, benefits and rights conferred upon the Lewisburg Turnpike Company, which this is intended to amend.

To incorporate
the Lafayette and
Clarksville Turn-
pike

SEC. 17. That William H. Drane, Henry Trice, James Brentz, Jno. Long, Peter Buck, Smily Kendrick, H. Con-nell, Jno. Gould and B. Moss, and their successors, be and they are hereby incorporated a body politic, for the purpose of building a turnpike road from La Fayette to Clarks-ville, (on or near the line where the present road runs,) to be called the Lafayette and Clarksville Turnpike Company, with all the rights, powers, privileges and benefits conferred upon the Lewisburg Turnpike Company, and the Clarks-ville and Hopkinsville Turnpike Company—the first of which this act is intended to amend.

To incorporate
Carter's Creek
Turnpike.

SEC. 18. That Henry G. W. Mayberry, Thomas F. Perkins, Thomas W. Sparkman, Seth Sparkman, Wm. S. Kelly, Aaron Vestal, Miles H. Mayes, Martin Irwin, John W. Irwin, Lyeurgus Collins, J. H. Jones, be and they are hereby incorporated a body politic for the purpose of building a turnpike from the Carter's Creek Turnpike, near Samuel S. Martin's in Williamson county, by way of Bos-ton, Santa Fe, and to Williamsport, in Maury county, to be called the Boston and Williamsport Turnpike Company, with all the rights, privileges and benefits, and subject to all the regulations and restrictions of the Franklin and Lewisburg Turnpike Company.

SEC. 19. That James M. Bennett, N. H. Stokely, Chas. Stokely, Americus Jones, David V. Stokely, and their associates and successors, are hereby made a body corporate and politic, (which may sue and be sued,) by the name and style of the Big Creek Bridge Company, and such Company are hereby empowered to build and keep in repair a toll-bridge across French Broad river in Cocke county, near the old dwelling of Americus Jones, and near the barn of J. J. Burnette, for the term of ninety-nine years.

To incorporate
Big Creek Bridge
Company.

SEC. 20. That the capital stock of said Company shall consist of twenty shares, of twenty-five dollars each, and may be increased to any amount necessary for the purposes herein expressed.

SEC. 21. That said body corporate shall have and exercise all the rights, powers, privileges and immunities, conferred upon the Broyles and Hampshire Bridge Company, by the act of 1855, chapter 74, and the 11th section of the act of 1856, chapter 186, and shall be subject to like restrictions.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 71.

AN ACT to incorporate the Yellow Springs Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That C. B. Neal, W. W. Neal, Wm. L. Eakin, Esqs., John Minus, and such other persons as may become shareholders of the capital stock of the Company, and their successors and assigns, be and the same are hereby constituted a body politic and corporate, by the name and style of the Yellow Springs Company; and the said stockholders shall have succession, and by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and dispose of real and personal property for the benefit of said corporation; and may have and use a seal.

SEC. 2. *Be it further enacted*, That the members of said corporation shall have power to hold their first election for a Board of Directors, at any time they may think

proper; which Board of Directors shall consist of three or five, as the stockholders may determine, all of whom shall be stockholders in said Company; and said Directors shall elect, out of their own body, a President, to serve until his successor is elected. Said Directors shall have power to pass all by-laws necessary for the government of said corporation, and shall appoint a Secretary and Treasurer, and may require bond and security from said Treasurer. Should a vacancy occur in the Board, or in any of the offices created by said Board, by death, resignation, removal or otherwise, the said President and Directors shall have power to fill such vacancies.

SEC. 3. *Be it further enacted*, That a majority of said Directors shall constitute a quorum to do business, and in the absence of the President, the Board may appoint one of their own body, *pro tem.*, who, for the time being, shall be clothed with all the powers and privileges as the President under the act. Said Board of Directors shall have power to meet upon their own adjournment, and should a call meeting or meetings, be at any time necessary, a majority of the sharcholders may request the President, or in his absence, the Secretary, and in the absence of both, any one of the Directors, to call said Board together; which request shall be in writing; and the said President, Secretary or member, when so requested, shall notify the members of said Board, and state the time and object of said meeting. Said Directors shall be elected by the stockholders; each share being entitled to one vote.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each: *Provided*, the said amount should be considered, by a two-third vote of all the stockholders, insufficient for the purposes contemplated by said Company, then, in that event, said capital stock may, from time to time, be increased to any amount not exceeding two hundred thousand dollars.

SEC. 5. *Be it further enacted*, That it is the intent and object of this act of incorporation, to authorize and empower said Company to erect at the Yellow Springs, in Blount county, Tennessee, a public Hotel, and such other buildings and improvements convenient and appurtenant thereto, as would be likely in the opinion of said Directors, to promote the prosperity and usefulness of the said Springs, as a watering place and summer retreat; and to that end the said Board of Directors shall have full power to determine what buildings and improvements shall be erected on said premises, to contract for the construction of the same,

to lease the same at their discretion, to collect the rents, to superintend and make contracts for the necessary repairs to the premises, from time to time, during their occupation, as the property of said Company.

SEC. 6. *Be it further enacted*, That the said Board of Directors shall not have power, by any act of theirs, to bind any stockholder beyond the amount of his stock, and the issues and profits thereof.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Board of Directors, to make dividends of the profits of the said property among the stockholders, in proportion to the amount of stock held by each, unless said directors determine (which they may) to expend said profits in addition and further improvements to said property.

SEC. 8. *Be it further enacted*, That nothing contained in this act shall be so construed as to prevent the Legislature from repealing or amending the same at pleasure: *Provided*, that if at any time the means of said corporation should prove insufficient to meet the debts of said Company, the individual property of each stockholder shall be deemed and held liable for such debts, in proportion to the amount of stock owned: *Provided, further*, that a transfer of such stock shall not be construed so as to release such stockholder from the payment of any debts contracted by the said Company previous to the date of said transfer, and the date of any transfer shall be acknowledged, proven and registered, in the Register's office, in the county in which said corporate Company is situated.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 19, 1858.

CHAPTER 72.

AN ACT supplemental to "An act to incorporate the Memphis Building and Loan Association Company," passed February 1st, 1854; to amend the charter of the Mechanics' Loan Association of Nashville; the City Building and Loan Association of Nashville; and the Nashville Building Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases in which the funds of the Memphis Building and Loan Association Company, have been or may be loaned out to the members of said

Company, or to other persons, pursuant to the act of incorporation and the regulations prescribed by the constitution and by-laws of said Company; and deeds of mortgage or of trust, on real estate, may be taken to secure the funds so loaned, or the payment of the regular dues, fines or forfeitures, payable according to said act, constitution and by-laws, and which said real estate the parties have agreed, or may agree, and desire to release by the substitution of other real estate, or by the performance of the conditions of said deeds; in all such cases, the deeds of release and relinquishment, or re-conveyance, executed by the President of said Company, for the time being, under his hand and the seal of said Company, if any, or his private seal if none, reciting the facts, shall be good and sufficient for the release, relinquishment or re-conveyance of such real estate.

The President
may make sales.

SEC. 2. *Be it further enacted*, That in all cases of sales under such deeds of trust, heretofore or hereafter made, the President of said Company may make said sales and execute deeds of conveyance for the property sold, in the same manner in which he is hereinbefore authorized to execute deeds of release; and sales so made, and deeds so executed by him, shall be good and sufficient for the purposes intended.

SEC. 3. *Be it further enacted*, That the Mechanics' Building and Loan Association of Nashville, shall have full power and authority to increase its shares from the present number, to six thousand shares, by selling the same at not less than the par value of the shares.

SEC. 4. *Be it further enacted*, That the provisions and benefits of this act shall extend to the City Building and Loan Association of Nashville; and the Mechanics' Building and Loan Association of Nashville; and that the said Associations shall have power and authority to purchase any of the shares of their respective Companies, which may be offered for sale.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 73.

AN ACT to amend an act passed March 2, 1854, entitled, An act to incorporate the Mechanics' Library Association of Fayetteville, and to reduce the several acts incorporating the town of Jackson into one act, and to amend the same; to charter the Mechanics' Institute and Library Association of Knoxville; to amend the charter of the Mechanics' Institute and Library Association of the State of Tennessee; to change the name of the Shelby General Insurance and Trust Company of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section nineteenth of the act of which this is an amendment, and which establishes in the City of Memphis a company, entitled, "The Memphis Theatre Company," be so amended that the capital stock of said Company be increased to fifty thousand dollars.

SEC. 2. *Be it further enacted*, That Rufus Reed, Edward J. Sandford, Lewis C. Shepherd, Thomas O'Conner, A. B. Small, Samuel Atkin, Thomas Seay, Wm. T. Hamilton, J. B. G. Kinsloe, Samuel McCarthy, Jos. Crockett, Wm. Palmer, F. T. Palmer, Wm. Turk, James McAffrey, D. Stacks, Geo. McFarlane, Wm. K. Eckel, Saml. White, John Parker, Jr., T. Haws, Joseph Dunkersly, James Sloan, and their associates, be, and are hereby constituted a body corporate and politic, under the name and style of the "Mechanic's Institute and Library Association of Knoxville," and that they be entitled to all the rights and privileges, and subject to the restrictions of an act passed January 30, 1854, entitled, An act to incorporate the Mechanics' Library Association of the City of Nashville, and the act amendatory thereto, passed the 14th of February, 1854.

SEC. 3. *Be it further enacted*, That the charter of the Mechanics' Institute and Library Association of the State of Tennessee be so amended that the President and Directors of said Institute shall have power to open books and receive subscriptions of stock not to exceed seventy-five thousand dollars, for the purpose of erecting over the centre of the Market House on the Public Square, in the city of Nashville, a room for the purpose of accommodating their exhibitions of mechanic arts, manufactures, &c.

To amend charter of Mechanics' Institute.

SEC. 4. *Be it further enacted*, That the said President and Directors shall have the power of determining the mode and manner of receiving such subscriptions, the amount of shares, and other necessary matters connected with the object in view; and they shall be entitled to all the powers and privileges, and subject to all the pains and

penalties usually attaching to commissioners appointed and legalized for similar purposes.

MAY issue bonds. SEC. 5. *Be it further enacted*, That the said Board of Directors shall have power to issue bonds to the amount of thirty thousand dollars, bearing six per cent. interest, for the purpose of meeting any deficiency in completing the said building; which bonds shall be a lien upon the interest of said Institute in said building.

Shelby General Insurance Company may change name. SEC. 6. *Be it further enacted*, That hereafter the name of the "Shelby General Insurance and Trust Company of Memphis," be changed to that of the "Jackson Insurance Company," and by this name shall be designated and known: *Provided*, nothing in this act shall be so construed as to release the said Company from any contract or existing liability heretofore made by the Shelby General Insurance and Trust Company; and that this act shall take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 74.

AN ACT to incorporate the town of Hartsville, in the county of Sumner, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the town of Hartsville, in the county of Sumner, are hereby constituted a corporation and body politic, by the name and style of the "Mayor and Aldermen of the Town of Hartsville," with the following boundaries, to wit: Beginning at a forked walnut opposite the southwest corner of the Female Institute lot, thence north twenty-one and a half degrees west seventeen chains to a bush, thence north twenty-three and a half degrees east thirty-five chains to a stake, thence south eighty-four and a half degrees east seven chains to a stake, thence south forty-four degrees east thirty-nine chains to a stake, thence south four degrees west seventeen chains to a stake, thence south seventy-five degrees west forty-nine chains to the said place of beginning; and by the same name shall have perpetual

succession, shall sue and be sued, plead and be impleaded in all the courts of law and equity, may purchase, receive and hold property, real and personal, within said town, or dispose of the same for the benefit of said corporation. They shall have and use a common seal, and change it at pleasure.

SEC. 2. *Be it further enacted*, That said town of Harts-ville, in its corporate capacity, shall have power to organize said corporation, by the election of officers, and have and exercise all the powers, privileges and authority conferred on the citizens of the town of Gallatin, in Sumner county, by the act of February 29, 1856, chapter 168, under all the limitations and restrictions therein mentioned.

SEC. 3. *Be it further enacted*, That nothing in this act contained, shall be so construed as to grant any banking privileges to the said corporation. No banking privileges.

SEC. 4. *Be it further enacted*, That the charter of incorporation of the town of Statesville, in the county of Wilson, be so amended as to embrace all the powers, privileges and immunities conferred upon the town of Lebanon, in said county, by the original charter, and the various amendments thereto. To charter Statesville.

SEC. 5. *Be it further enacted*, That the boundaries of the corporation limits of the town of Dover, in Stewart county, be changed as follows, viz: Beginning on the south side of the Cumberland river at low water mark, from which a due south line will include the residence of James M. Scarborough; continuing south to a point from which a due east line will include the Grave Yard, thence east to the original west boundary line of said Corporation, thence south with said line to a point from which a due east line will include the residence of William Cook, thence east to a point from which a due north line will include the residence of Christopher Dudley, and the Dover Academy, thence west to the town Spring branch, thence down said branch, with its various meanders, to the Cumberland river at low water mark, thence down said river to the beginning. Extending the boundaries of Dover.

SEC. 6. *Be it enacted by the authority aforesaid*, That the twelfth section of an act, entitled, "An act to incorporate into one act the several acts incorporating the city of Memphis and the town of South Memphis, passed January 6, 1846, and January 21, 1848, and to unite the said towns into one, and extend the boundaries thereof," chapter 7, passed 3d December, 1849, be, and the same is hereby repealed. Amending charter of Memphis.

To incorporate
Ripley.

SEC. 7. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Ripley, in the county of Lauderdale, and the inhabitants thereof, be, and they are hereby incorporated, by the name and style of the "Mayor and Aldermen of the town of Ripley," and by such name may sue and be sued, plead and be impleaded, may have, own and purchase property, both personal and real, and dispose of the same for the use of said town.

Sheriff shall hold
election.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Sheriff of said county to open and hold an election on the first Saturday in April, in each year, after first having advertised the same for five days on the Court House door in said town, for Mayor and five Aldermen, who shall respectively hold their office for one year, and until their successors are elected and qualified; and all persons owning land, and all persons residing in said corporate limits, who are entitled to vote for members of the General Assembly, shall be entitled to vote in said election. Said election shall be adjudged by three qualified voters of said corporation, to be appointed and qualified by the Sheriff holding said election. The polls of said election shall be opened at eleven o'clock, A. M., and closed at three P. M., on the same day: *Provided*, that if the Sheriff shall fail to hold said election at the time before stated, then he shall hold an election at any other time thereafter, in the same manner as provided by this act.

Who may be
Mayor.

SEC. 9. *Be it further enacted*, That any person residing in said Corporation at the time of said election, who shall be qualified to vote for members to the General Assembly, shall be eligible to the office of Mayor and Aldermen, and said Sheriff shall immediately make out and deliver to the persons having the highest number of votes a certificate of their election.

May elect a Re-
corder and Con-
stable.

SEC. 10. *Be it further enacted*, That it shall be the duty of the persons so elected Mayor and Aldermen, to meet on the next Tuesday after their election, within said Corporation, and present their certificates of election to some justice of the peace for said county, who shall administer to them an oath of office, faithfully to discharge the duties of their respective offices during their continuance in the same, and thereupon said Board of Mayor and Aldermen shall organize themselves, and proceed to elect one of their number Recorder, who may also act as Treasurer for said Corporation, and may elect any of the resident citizens of said Corporation, a Town Constable, or any one of the District Constables, each of whom, before entering upon the duties of the office, shall enter into bond

with securities to be approved by said board of Mayor and Aldermen, in an amount to be determined by them, condition, that they will faithfully discharge, the duties of their respective offices, and that they will faithfully collect and pay over all taxes, fines and forfeitures which may be due and owing said Corporation. They shall each take an oath of office before some justice of the peace, and it shall be the duty of said Constable to make out and return to said Board, a full and complete list of all property and polls, subject to State and county tax, within one month after his election and qualification. Shall take oath.

SEC. 11. *Be it further enacted*, That all vacancies in said Board, by death, removal or resignation, may be filled by said Board, for the residue of the year, and the person so elected, shall possess the same qualifications for office as required in the eighth section of this act. May fill vacancies.

SEC. 12. *Be it further enacted*, That said Corporation shall have full power and authority to make all such by-laws and ordinances, as may be necessary and proper to preserve the health, quiet and good order of said town, to prevent and remove nuisances, to appoint patrols, to punish breaches of such by-laws and ordinances committed within the limits of said Corporation by fine not exceeding fifty dollars; to license and tax all shows, and theatrical performances, to prohibit the exhibition of stallions and jacks within said Corporation, to pass all by-laws necessary to put and keep all streets and walks in good repair, to levy and collect taxes on all property, polls and privileges which are made taxable by the laws of this State. Powers of Corporation.

SEC. 13. *Be it further enacted*, That the Mayor of said Corporation, or any justice, shall have full power and authority to issue any process necessary for the arrest of any person or persons charged with a violation of any of the criminal by-laws of said Corporation, upon the application of the Constable of said town, or upon the application of any other person upon oath, that any person is or has been guilty of a violation of the by-laws of said Corporation; and in all cases said process should be directed to the Town Constable, and returnable before the Mayor of said Corporation, who shall have full power and authority to try and punish all persons for offences against the by-laws of said Corporation, and if any person shall be convicted before him of any offence, such person shall immediately give security for the cost and fine, or pay the same; and if such person fail or refuse to pay said fine and cost, or to secure the same, the Mayor shall commit such person to the jail of said county until said fine and costs are paid or secured, and it shall be the duty of the Jailor to secure Duties of Mayor.

such person, but, if such person or persons shall give security for said fine and cost, then it shall be the duty of the Mayor to issue execution immediately against such person and his or her security; and it shall be the duty of the Town Constable, or Sheriff to collect said fine and cost within thirty days, and pay over the same to the Treasurer, and return said execution to the Mayor, whose duty it shall be to keep a docket in the same manner that justices of the peace are now required to do, and if said Town Constable or Sheriff to whom any execution may have been given by said Mayor, shall fail to return the same within thirty days from the date thereof, to the office of said Mayor, he and his securities shall be subject to the same pains and penalties that constables and sheriffs and their securities are now by the laws of this State subject to for failing to return executions issued by any justices of the peace, or for failing to pay over money collected on the same, by motion before any justice of the peace for said county.

Constable shall
pay over taxes.

SEC. 14. *Be it further enacted*, That when any tax or duty shall be levied or imposed by said Board of Mayor and Aldermen upon any real or personal property, lying or being in said Corporation, it shall be the duty of the Town Constable to collect the same immediately and pay the same to the Treasurer, and if the owner of said real estate shall fail or refuse to pay the taxes thereon within the year for which said tax was levied, it shall be the duty of the said Constable to report the same to the first term of the Circuit Court of said county, and also report the fact that the owner or owners have no goods or chattels upon which he can distrain for said taxes, and that the same remain due and unpaid. When such report shall be made, it shall be the duty of the Court to enter up judgment against such real estate for the taxes remaining due and unpaid thereon, and said real estate shall be sold by the Sheriff or Collector of said county, at the same time and place, and under the same conditions as if the taxes were due the State or county; which sale shall vest the title in the purchaser as in other tax sales; and said Sheriff or Collector shall pay to the Treasurer of said Corporation any taxes so by him collected; and upon failure to do so shall be liable, on motion in the Circuit Court for the amount due as in other cases.

Boundaries.

SEC. 15. *Be it further enacted*, That the corporate limits of said town shall be as follows, to wit: Commencing one-fourth of a mile south from the centre of the Court House in said town, thence west one-fourth mile, thence north one-half mile, thence east one-half mile, thence south one-half mile, thence west to the beginning;

and that the same shall be surveyed by a competent surveyor, and reported to the Board of Mayor and Aldermen.

SEC. 16. *Be it further enacted*, That said town shall be allowed a justice of the peace, who shall reside within the corporate limits of said town, and be elected by the qualified voters thereof, and be clothed with the same powers that other justices have. Justice to live in town.

SEC. 17. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 18. *Be it further enacted*, That the town of Newburn, in the county of Dyer, and the inhabitants thereof are hereby incorporated, with the following boundaries, to wit: Beginning at the southwest corner of the Academy lot, thence North 99 poles to the corner of T. Fields' field, thence east 109 poles to a stake by the side of the public road; thence south 118 poles to an ash in Thomas Fields' field, thence west to the beginning; under all the regulations, powers and privileges conferred in the foregoing sections upon the town of Ripley, in the county of Lauderdale. To incorporate Newburn in Dyer.

SEC. 19. *Be it further enacted*, That said town of Newburn shall be allowed a justice of the peace, who shall reside within the corporate limits of said town, and be elected by the qualified voters thereof, and be clothed with the same powers as other justices have. May have a justice of the peace.

SEC. 20. *Be it further enacted*, That the second sub-section of chapter 32 of the Laws of 1855-56, be amended in so far as it limits the power to borrow money, so as to read, one hundred thousand dollars, instead of twenty thousand. To amend act of 1855-6.

SEC. 21. *Be it further enacted*, That sub-section 16, of same section and act, be amended so as to include warehousemen, negro yards, distilleries; and all other manufactories, and also receiving and forwarding and commission houses.

SEC. 22. *Be it further enacted*, That section 8, of the same act, be so amended as to strike out all directions as to the number of columns and their use in the tax list of said city; and that the city council be and are hereby empowered to direct and require how said columns shall be made and what they must show.

SEC. 23. *Be it further enacted*, That section 14 of said act shall be so amended as to give the Recorder of said city, also, all powers enumerated in said section.

SEC. 24. *Be it further enacted*, That the proviso, in section 8 of said act, limiting the amount of taxes to one-half of one per cent. on the one hundred dollars worth of property, be and is amended so as to authorize the imposi-

tion on the 'taxable property in said city of a tax, at a rate not exceeding one hundred cents on each one hundred dollars' worth of said taxable property.

May elect a Revenue Collector.

SEC. 25. *Be it further enacted*, That should the City Council of said City desire, they may at their elections hereafter made by the Board, elect a Revenue Collector, and define his duties : *Provided* they do not interfere with the laws of the land.

To amend the act of 1847, chap. 5.

SEC. 26. *Be it enacted by the authority aforesaid*, That chapter 5, of the laws enacted in 1847-8, passed November 16th, 1847, be so amended that the City of Clarksville shall have power and authority to levy and collect such tolls on said bridge therein named, as they may from time to time direct and ordain, governed by the rates allowed in the charter of the Mouth of Red River Bridge Company, and that all the powers and privileges in said charter, be, and are hereby granted to the City of Clarksville in regard to the upper Red River Bridge.

May sell Mouth of Red River Bridge.

SEC. 27. *Be it further enacted*, That the County Court of Montgomery county may sell, donate, grant, convey or dispose of the interest of said county in the Mouth of Red River Bridge Company to the City of Clarksville on such terms as the said County Court may determine; and when said interest shall be so conveyed, to the said City, that then all the rights, powers and privileges in said charter of the Mouth of Red River Bridge Company, be vested in the said City of Clarksville; and said City may make said bridge free, or a toll-bridge under said charter at discretion, or may lease, sell, give, grant, dispose of and convey the same, and the Upper Bridge aforesaid, as the City Council may determine, and the proceeds of said sale so made by said County Court, if any shall be, by said County Court appropriated to the Internal Improvement fund in said county.

May lease.

Sinking fund.

SEC. 28. *Be it further enacted*, That said City, by the City Council, may lease out, on such security as it may require, at not exceeding six per cent. per annum, any sinking fund which it may create, and under such conditions as it may deem proper, not contrary to the laws of the land.

Night-watch.

SEC. 29. *Be it further enacted*, That the night-watch and patrols of said City, shall have the same powers as the police of Memphis and Nashville, and that this act shall take effect from and after its passage.

To incorporate DeLoach.

SEC. 30. *Be it further enacted*, That the Grand Junction at the Memphis and Charleston Railroad with the Mississippi and Tennessee Central, in the county of Hardeman, in this State, be, and the same is hereby incorporated, by the name of the "Town of DeLoach," and shall

have succession of ninety-nine years, and by this name may sue and be sued, in the several courts in this State, and may have a common seal, to alter or renew at pleasure, and all the powers, privileges and immunities conferred upon the citizens of the town of Bolivar, in Hardeman county, in this State, by virtue of the act incorporating said town, be, and the same are hereby conferred upon the citizens of the said town of Deloach, not inconsistent with this act. The qualified voters in said town, who shall have been residents ten days previous, shall, on the first Saturday in April next, open and hold an election in said town for a Mayor and five Aldermen, town Marshall, Tax Collector and Recorder. The Mayor and Aldermen of said town shall have power to elect a day and night police, and such other officers as they may deem expedient for the good order and happiness of said town, and may pass all such by-laws and ordinances as may be necessary for the good government of said town, not inconsistent with the public laws of the land.

SEC. 31. *Be it further enacted*, That the corporate limits of said town of Deloach shall be as follows: Beginning on the west side of the Memphis and Charleston Railroad, and Mississippi Central and Tennessee Railroad, at the southwest corner of Charles Mickey's land, 570 feet north of the crossing of said roads, thence west with Mickey's land 1775 feet, thence south, crossing the Memphis and Charleston Railroad, 1918 feet, thence east, crossing said road 3445 feet, thence north, crossing said road 2358 feet, thence west, crossing each of said roads, to the western boundary of said railroad ground, one thousand four hundred and ninety feet, thence south by southwest along the line of said road to the southeast corner of the said Charles Mickey's land, to the beginning. Boundaries.

SEC. 32. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 33. *Be it further enacted*, That the town of Bradyville, and the inhabitants thereof, in the county of Cannon, are hereby incorporated in the following boundaries, to wit: Beginning on a stake or rock, the southeast corner, thence north twenty-nine degrees west one hundred poles to a stake, thence west sixty-one degrees south one hundred poles to a stake, thence south twenty-nine degrees east one hundred poles to a stake, thence east sixty-one degrees north one hundred poles to the beginning. To incorporate Bradyville.

SEC. 34. *Be it further enacted*, That the town of Bradyville, hereby incorporated, shall be entitled to and have all the rights and privileges, and under all the restrictions

and regulations granted to the town of Murfreesboro' by the act incorporating said town of Murfreesboro', and the various acts amendatory thereto.

SEC. 35. *Be it further enacted*, That this act shall take effect from and after its passage.

Corporate limits
of Lawrenceburg
may be extended.

SEC. 36. *Be it further enacted*, That the Mayor and Aldermen of Lawrenceburg shall have power, on the written petition of a majority of the free white men owning property, or residing adjacent to the present limits of said town, to extend the corporate boundaries, and over any portion of land thus included, shall form a part of the town as if originally incorporated—the consent of a majority of the voters of said town being first regularly obtained: *Provided*, however, that an abstract of the petition, with the names of the petitioners, shall be published in a newspaper in the town two weeks before the incorporation, and that a survey be made of the ground to be incorporated, and two plans thereof be made, one of which shall be spread upon the minutes of the Board, and the other upon the Register's Book of the county.

To extend limits
of Bristol.

SEC. 37. *Be it further enacted*, That the corporate limits of the town of Bristol, be enlarged and extended as follows, to wit: Beginning at the mouth of North Fork of Beaver Creek; thence up the meanders to the State line; thence with the Virginia line, due east, to a white oak tree, Goodson and King's corner; thence south 34° west 160 poles; thence south 56° west 150 poles; thence to the beginning—and that all the territory included within the bounds, as hereby enlarged and extended, shall be added to and made a part of the town of Bristol, together with the inhabitants thereof, who shall enjoy all the rights, privileges and immunities, and shall be liable to the same restrictions and penalties as other citizens in the present corporate limits of said town.

May open streets.

SEC. 38. *Be it further enacted*, That the Mayor and Aldermen of the town of Bristol, shall have, and they are hereby invested with full power and authority to lay off and open new streets, and lanes and alleys, in said town, and to extend the old ones, for the convenience of the inhabitants thereof: *Provided*, such extension or opening of streets, lanes and alleys, as aforesaid, shall not be made so as to cause the destruction of houses, gardens or orchards, without the owners' consent; and should any person feel himself damaged by the opening or extension, as aforesaid, then and in that case, the County Court of said county of Sullivan, is hereby authorized and empowered, upon the application of said person, to appoint three disinterested freeholders, unconnected with the parties, to ascertain and

assess the amount of damages such person may have sustained, by the extension or opening of said streets, lanes or alleys; and the Commissioners so appointed, shall take into consideration the enhanced value of the lot or lots, over which said streets, lanes, alleys, or any of them may pass, and they shall report the amount to the corporate authorities of said town, who shall thereupon pay the amount so assessed, to the person so damaged.

SEC. 39. *Be it further enacted*, That the 12th, 13th, 14th, 15th, 16th and 18th sections of an act passed February 25th, 1856, chapter 193, incorporating the town of Porterville, be made a part and parcel of this act.

SEC. 40. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, within the town, to erect market houses, establish markets, and regulate the same, to erect a calaboose, lock-up, and regulate the same.

May establish
market house
and calaboose.

SEC. 41. *Be it further enacted*, That the act incorporating the Presbyterian Board of Foreign and Domestic Missions, passed on the third of March, 1854, be amended as follows: So that the officers of the corporation created by the third section of said act, shall be the same as those prescribed in the fifth section of the same, to be chosen as hereafter provided for.

To amend the act
incorporating
Board of Mis-
sions.

SEC. 42. *Be it further enacted*, That the Sheriff of Sullivan county, shall, on the second Saturday of March next, and on the second Saturday in March in every year thereafter, open and hold an election, as prescribed in the ninth section, for the election of seven Aldermen and one Constable, who shall be elected by the persons prescribed in the fifth section: *Provided*, that persons owning real estate in the limits of said corporation, but not residents of it, shall be allowed to vote in said elections.

Sheriff to hold
election.

SEC. 43. *Be it further enacted*, That on the Monday next following said election, the seven Aldermen so elected shall meet at the court house, in the town of Blountville, in the limits of said corporation; and in default of the seven meeting, five shall be a quorum, and proceed to elect one of the seven Aldermen for the office of Mayor for said corporation, and also to elect, of their own body, a Treasurer and Recorder.

SEC. 44. *Be it further enacted*, That any five of the Aldermen, elected as aforesaid, shall constitute a *quorum* to transact all corporate business, and shall have power, in case of vacancies occurring in their body, by death, resignation, removal or other cause, to fill said vacancies.

SEC. 45. *Be it further enacted*, That, should the Sheriff not hold the election at the time specified in this act, he may hold it at a subsequent time, giving ten days' notice.

The Sheriff may appoint a Constable to hold any election he is required to hold under this act, the result of which shall be certified by such Constable, as required to be done by the Sheriff.

SEC. 46. *Be it further enacted*, That the Aldermen, Mayor, Recorder and Treasurer, elected or chosen, as before provided for, shall hold until their successors are elected or chosen, and qualified.

SEC. 47. *Be it further enacted*, That the said act of third March, 1854, incorporating the town of Blountville, be revived and of full effect, except as amended or altered by this act; and that this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 75.

AN ACT to amend an act regulating the qualification of School Teachers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of an act passed on the 16th of February, 1856, chapter 114, to prevent incompetent persons from teaching the free schools of this State, be so amended as to read as follows: That the County Courts of each county, at the January term of each and every year, shall elect one or more Commissioner or Commissioners, whose duty it shall be to examine all applicants to teach the free schools; and if, upon examination, the applicant is found competent to teach orthography, reading, writing and arithmetic, the County Commissioner or Commissioners shall give him or her a certificate of such competency, and for every additional branch he or she may be found competent to teach, the Commissioner or Commissioners shall add said branch to his or her certificate, and if upon presenting such certificate to the Common School Commissioners, in the district in which he or she may purpose to teach a free school, and if the Common School Commissioners shall, upon examining such certificate, consider the applicant's qualification such as will suit the neighborhood, they may employ him or her to teach

such school or schools. But in no case shall the Commissioners employ any persons to teach the free schools, unless they first produce a certificate of their competency, according to the above provision of this act.

SEC. 2. *Be it further enacted*, That said County School Commissioner shall, before entering upon the duties of his office, take an oath, (before the County Court Clerk,) faithfully to perform the duties of said office; and further, that he will not give any certificate of competency to any applicant, unless, in his opinion, he or she is qualified, as required by the provisions of this act.

Commissioner to
take oath.

SEC. 3. *Be it enacted*, That the Common School Commissioners, of the 1st Civil District, in Robertson county, be and they are hereby authorized to draw an order on the County Trustee, or to pay over the money for the tuition of said children of Robertson, as go to school in Mitchellville, in Sumner county, in proportion to the amount such children would be entitled to, of the common school money, if going to school in Robertson: *Provided*, that the said children do not go to any common school in Robertson county.

Children of Rob-
ertson going to
school in Mitch-
elville entitled
to school fund.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 76.

AN ACT to construe the law in regard to the Cincinnati, Cumberland Gap and Charleston Railroad Company; and to change the name of the South Carolina, Tennessee and Kentucky Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed November 18th, 1853, to charter the Cincinnati, Cumberland Gap and Charleston Railroad Company; an act passed February 8th, 1854, providing State aid to said Railroad Company, to the amount of ten thousand dollars per mile, for the ironing and equipping said road, and two hundred thousand dollars to construct the Clinch and Holston river bridges; and an act passed December 17th, 1855, grant-

ing the said Railroad Company the privilege of drawing and expending the surplus of the two hundred thousand dollars, for the purpose of building the bridges across French Broad and Pigeon rivers, and any other bridges on the line of said road, shall be so construed or amended that the said Company shall have two competent engineers to estimate the cost of said bridges, (Clinch and Holston,) on oath, and report the same to the Governor of the State, and the estimates made by said engineers shall be approved by the Railroad Commissioner, before said Company shall be entitled to draw and expend said surplus or remainder of said two hundred thousand dollars; in which case the Governor of the State shall issue the bonds of the State, for the amount of the surplus, upon the same terms and conditions that the bonds of the State are now provided by law to be issued to said Company for bridge purposes.

Shall connect
E. T. & Va. R.
R.

SEC. 2. *Be it further enacted*, That the first thirty miles graded by said Railroad Company, shall have a connection with the East Tennessee and Virginia Railroad, to entitle the same to the aid of the State, for ironing and equipping, as now provided by law.

Further time to
complete thirty
miles.

SEC. 3. *Be it further enacted*, That the further time of two years, to complete the grading of the first section of thirty miles, be extended to said Company: *Provided*, that nothing in this act contained, shall, upon any contingency, be construed to grant other or further State aid than has heretofore been granted by law.

To change name
of S. C. and Ten.
and Ky. R. R.
Co.

SEC. 4. *Be it further enacted*, That from and after the passage of this act, the name of the South Carolina Tennessee and Kentucky Railroad Company shall be changed to the name of the North Carolina, Tennessee and Kentucky Railroad Company; and by that name shall have, possess and enjoy, all the rights, privileges, immunities, conferred on the South Carolina, Tennessee and Kentucky Railroad Company.

May unite with
other roads.

SEC. 5. *Be it further enacted*, That the 2d section of the charter of the South Carolina, Tennessee and Kentucky Railroad Company, passed February 13th 1854, be so amended as to authorize the Company to unite with any other company that may be formed in those States, so as to form one Company, under one organization, to construct a railroad with one or more tracks, to be used with steam or other power, between the points designated in said charter, or on any other portion of the line, and with power to dispense with the construction of any portion of the road.

SEC. 6. *Be it further enacted*, That said Railroad Company shall have the further time of six years to commence,

and twelve years to complete said road: *Provided*, no State aid shall be granted to the South Carolina, Kentucky and Tennessee Railroad, by this act. Have further time.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 77.

AN ACT to charter the East Tennessee Telegraph Company, and the Paducah and Nashville Telegraph Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Parsons, Francis B. Dean, Jr., William L. Morris, of Lynchburg, Va., be appointed Commissioners, to open books at such time and place as they may choose, to receive subscriptions to the capital stock of the East Tennessee Telegraph Company, chartered by this act, for the purpose of erecting, maintaining and using a line of Telegraph from Bristol to Chattanooga, with the privilege of branching to Dalton: *Provided*, that said Telegraph line shall run with the East Tennessee and Virginia Railroad. Said Company may have the power to erect a branch line from the town of Cleveland to Chattanooga.

SEC 2. *Be it enacted*, That the capital stock of said Company shall be one hundred thousand dollars, in shares of fifty dollars each, and so soon as ten thousand dollars of said capital stock shall have been subscribed, the subscribers shall become a body politic and corporate, under the name and style of the East Tennessee Telegraph Company. Capital stock.

SEC. 3. *Be it enacted*, That the said Company after acquiring the patent right from whomsoever it may rightfully belong, may proceed to erect a Telegraph line on the route aforesaid, and for this purpose shall be invested with all the powers, rights, privileges and protections, and be subject to all the liabilities, penalties, restrictions and provisions, conferred and imposed on the Knoxville and Dalton Telegraph Company, by the act passed January 31st, 1854, so far as the same may be applicable and not inconsistent with the objects and purposes of this act.

Stock may be increased.

SEC. 4. *Be it enacted*, That the capital stock of said Company may be increased to the sum of one hundred and fifty thousand dollars.

To amend charter of Nashville and Paducah Telegraph Company.

SEC. 5. *Be it enacted*, That the right of way, for the construction of a Telegraph line, from the line between the States of Kentucky and Tennessee, so as to connect the cities of Nashville and Paducah, by telegraphic communication, be and is hereby granted to the Paducah and Nashville Telegraph Company, incorporated by the Legislature of Kentucky, with all the rights, and powers, and privileges, and subject to all the restrictions and liabilities set forth and prescribed in a charter, granted to said Company by the Legislature of Kentucky, and approved March 8th, 1856.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 20, 1858.

CHAPTER 78.

AN ACT to authorize the State of Tennessee to pay John Blair, James Johnson and others, certain monies.

WHEREAS, By an act of the Legislature of Tennessee, passed January 27, 1854, appointing Ebenezer Alexander, Wm. G. Swan, and Thomas L. Williams, Commissioners to examine into and report to the next General Assembly thereafter, their conclusion upon the claims of John Blair, James Johnson, and William Y. Huff, against the State of Tennessee, arising out of a litigation respecting a section of land claimed as against their title under a reservation alleged to have been made by Pathkiller; and whereas, the aforesaid Commissioners, after having had the same under consideration, report that in justice, honesty, and good faith, the State is bound to pay said claimants the sum of twenty-seven hundred and sixty-five dollars and twenty-three cents; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the State pay to John Blair, James Johnson, Wiley Blair, and William Y. Huff, the sum of twenty-seven hundred and sixty-five dollars and twenty-three cents in full of all claims in the premises, against the State of

Tennessee; and the Comptroller of the Treasury is hereby required to issue his warrant to the parties aforesaid for said amount.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 22, 1858.

CHAPTER 79.

AN ACT to incorporate the Gainsboro' and Doe Creek Turnpike Company, the Springfield and Port Royal Turnpike Company, and to amend the charter of the Carthage and Hartsville Turnpike Company, and to incorporate the Hamner's Mill Bridge Company, and to amend the Tullahoma, Lynchburg and Fayetteville Turnpike Company, and to incorporate the White's Creek and Springfield Turnpike Company, and to incorporate the Indian Grave Gap Turnpike Company, and the Springfield and Kentucky Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers of stock for building a road from Gainsboro' to William Davidson's, in Jackson county, Tennessee, as in this act provided, shall constitute a body corporate and politic, by the name of the Gainsboro' and Doe Creek Turnpike Company.

SEC. 2. *Be it enacted,* That the capital stock of the said Company shall be five thousand dollars, in shares of fifty dollars each, but if a greater sum shall become necessary to complete the road, the Board of Directors may raise the capital to the necessary amount: *Provided* it shall not exceed twenty thousand dollars. Capital stock.

SEC. 3. *Be it enacted,* That Sampson W. Cassety, W. R. Kenner, Worley Young, L. J. Lowe, G. M. Ray, Robert Kirkpatrick, A. P. Green, and Andrew P. Aston, are appointed Commissioners to receive subscription to the capital stock aforesaid. Commissioners.

SEC. 4. *Be it enacted,* When the amount of five thousand dollars shall have been subscribed the Commissioners shall appoint a meeting of the subscribers in Gainsboro', giving said subscribers due notice of said meeting, and at said meeting the stockholders, or as many of them as shall assemble, shall elect seven Directors, each of whom shall be a stockholder, and each shall have as many votes as he has shares, as well in the election of Directors as in all other matters in which by this act he may be entitled to vote. Shall elect Directors.

SEC. 5. *Be it enacted,* The first elected Directors shall continue in office until the expiration of six months from the time of their election; and the second election, and

Elections to be
biennially.

the elections forever thereafter, shall be held biennially, unless regulated by the Directory, who shall adopt rules and by-laws for the government of the Company, which rules and by-laws shall, when adopted by said Directors, be submitted to the stockholders, and subject to the approval or rejection of said stockholders, by an expression of a majority of them, determined by a vote.

SEC. 6. *Be it enacted*, That Five Directors shall constitute a quorum for business, and said Directors shall call a meeting of the stockholders, whenever in their opinion the interests of the Company require it.

May erect a toll
gate.

SEC. 7. *Be it enacted*, That when said Company shall have completed said road to the top of the hill above Peter G. Coxe's, they may erect a toll gate at the top of said hill and charge toll under the same rules and regulations that govern the Lebanon and Trousdale's Ferry Turnpike Company, by the act of 8th December, 1849.

Five years to
complete road.

SEC. 8. *Be it further enacted*, That said Company shall have five years from the date of this charter to complete said road, and that said Company shall exist as a corporate body ninety-nine years.

To incorporate
Springfield and
Port Royal Turn-
pike.

SEC. 9. *Be it enacted*, That Giles Connel, John S. Hutchison, Miles S. Draughon, James Holman, D. S. Adams, Solomon Cobb, Geo. A. Washington, Levi Traughler, Joseph Kizer, C. Grimes, William Batts, Jeremiah Batts, James Byrns, C. Chambers, Lawson Fort, R. H. Izer, Josiah Farmer, T. B. Matthews, Joseph H. Long, Miles Taylor, Solomon Fiser, and Dr. Jacob T. Durden, of the counties of Robertson and Montgomery, be, and they are hereby authorized, at such time and place as they may appoint and designate, to proceed to open books to receive subscriptions to a Turnpike road, commencing at Springfield, in Robertson county, running thence by such route as a majority of said Commissioners may designate, which Turnpike road shall be known as the Springfield and Port Royal Turnpike Company.

SEC. 10. *Be it enacted*, That the stock in said road shall consist of shares of twenty-five dollars each.

Shall elect Di-
rectors.

SEC. 11. *Be it enacted*, When the aforesaid Commissioners mentioned in the 9th section in this act shall have received a sufficiency of subscription of stock to build said road, as hereinafter mentioned, the said Commissioners, or a majority of them, which shall constitute a quorum, shall publicly notify the stockholders, who shall meet at such time and place as said Commissioners may designate and appoint, and proceed to elect seven Directors, being shareholders, who shall elect one of their body President

of the Board of Directors, and the President and Directors thus chosen, shall have power to elect a Secretary and Treasurer; all of the officers so elected and chosen, shall hold their respective offices for one year, and until their successors be chosen and appointed, which officers and stockholders are hereby created a body politic and corporate under the name and style of the President and Directors of the Springfield and Port Royal Turnpike Company, and in that name may sue and be sued, plead and be impleaded, may make such by-laws and regulations as shall be necessary to carry out the powers herein given, and said Company shall have perpetual succession for the period of ninety-nine years, and shall have six years within which to complete said Turnpike road.

SEC. 12. *Be it enacted*, That the President and Directors shall have full power to make contracts with any person or persons, for the clearing, opening, and making the said road, along the route which shall have been marked out by a majority of the aforesaid Commissioners mentioned in the 9th section of this act. May contract for work.

SEC. 13. *Be it enacted*, That said road shall be graded to five degrees, with such exceptions as the President and Board of Directors may make, so that the same does not extend to more than five degrees, and said Company shall build all such bridges, culverts, and other drains, in such manner as will be durable and sufficient to drain said road at all seasons of the year, and when said road is thus made, they shall be allowed the same rate of toll at their respective toll gates that is allowed on the Louisville Turnpike road. Rates of Toll?

SEC. 14. *Be it enacted*, That said Company shall have power to commence the construction of said road at either end, when stock to the amount of five thousand dollars shall have been taken, and shall have power to erect a toll gate and charge toll, when five miles of said road shall be completed, and said Company may from time to time, when the additional sum of five thousand dollars shall be subscribed, erect a second toll gate: *Provided*, there are five miles more of said road completed, and so on, in the same proportion until said road shall be completed: *Provided*, there shall not be more than one gate for every five miles of said road, and, *Provided further*, that there shall not be a toll gate nearer than one mile of Springfield. May begin at either end.

SEC. 15. *Be it enacted*, That the aforesaid Commissioners may demand of such subscribers as may take stock in said road, such sums as to them may seem reasonable, to facilitate the speedy construction, and completion of said road, and said Commissioners are authorized to receive-

subscription for stock on said road, to be paid either in money or work, in such proportions as said Commissioners shall authorize or direct.

Relating to col-
lection of stock.

SEC. 16. *Be it enacted*, That the 3d section of an act to incorporate the Clarksville and Russelville Turnpike Road Company which relates to the collection of such stock, as may have been subscribed, when the same is called, by the proper authorities, and not paid, be, and is herein adopted.

SEC. 17. *Be it enacted*, That if any person shall refuse or neglect to pay the toll hereby granted, at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person or persons, or things subject to toll aforesaid, or if any article or things liable to toll, shall by any means pass without payment when demanded by the toll gatherer, the Company may, by warrant from any justice of the peace, recover from the owner or person in possession of such articles, or subject of toll, five dollars for each offence.

To incorporate
Gallatin and
Springfield Turn-
pike.

SEC. 18. *Be it further enacted*, That H. H. Orndoff, P. Payne, H. H. Kirk, Dr. W. H. Farmer, Jo. C. Stark, Thomas Knisle, John Woodward, Wilson Pitt, Willie Woodward, L. J. Henry, Jacob Pitt, David Henry, Harrison Pitt, John L. Yates, W. C. Richmond, Dr. John Patterson, Sol. Strother, William Villines, A. B. Young, S. Gilbert, John Hutchinson, and Dudley E. Brooks, of the county of Robertson, and Benjamin Roney, John H. Turner, Burrell Johnson, William Wilkerson, and Miles Hoss, of the county of Sumner, be, and they are hereby constituted a body politic and corporate, by the name and style of the Springfield and Gallatin Turnpike Company, and by that name and style shall have power to sue and be sued, plead and be impleaded in any Court of law or equity in this State or elsewhere.

SEC. 19. *Be it enacted*, That the foregoing sections of this act, incorporating the Springfield and Port Royal Turnpike Company, shall apply to the Springfield and Gallatin Turnpike Company, and that said last named Company be authorized to locate said Turnpike road, commencing at or near the terminus of the present Turnpike leading from Gallatin in the direction of Springfield, and continue the same in the direction of Springfield, or to intersect the Springfield and Russelville road, at any point as far north as Joel E. Bell's, in the discretion of the Board of Directors of said road, and they shall have power to commence the work at either end of the road whenever a sufficient amount of stock shall be subscribed.

SEC. 20. *Be it enacted*, That if said Springfield and Gallatin turnpike Company shall finish their road from where it crosses the Nashville and Bowling Green and Louisville Turnpike road to Red river, about one half mile west of the Cross Plains, they shall be entitled to erect a toll gate.

May erect toll gate.

SEC. 21. *Be it further enacted*, That the Mansker's Creek and Springfield Turnpike Company be so amended as to allow said Company to extend their said road to the Kentucky State line, and that they have the privilege of erecting a toll gate for every five miles of said road, when the same shall be completed in accordance with the act incorporating said Company.

Mansker's creek and Springfield Turnpike may be extended.

SEC. 22. *Be it further enacted*, That section 17 of an act passed January 20, 1852, chartering the Springfield and Barren Plains Turnpike Company be so amended as to allow said Springfield and Barren Plains Turnpike Company the further time of six years to complete said road.

Extending time to Springfield and Barren Plains Turnpike.

SEC. 23. *Be it further enacted*, That section 4, of an act passed November 26, 1853, to amend the charter of the Carthage and Hartsville Turnpike Company, be so amended as not to require the fills at the bridges to be wider than the bridges: *Provided* said fills shall have railings to protect travelers.

Amending Carthage and Hartsville Turnpike Company.

SEC. 24. *Be it enacted*, That a body politic and corporate is hereby constituted by the name and style of the "Hamner's Mill Bridge Company," for the purpose of constructing, maintaining and using a bridge across Duck river, in Maury county, Tennessee, at or near Hamner's Mill, on said river, situate about nine and one-half miles above Columbia, and by that name may sue and be sued, plead and be impleaded, and do all other acts and things which may be necessary to construct said bridge, and keep up the same, and said Company shall have succession for ninety-nine years.

To incorporate Hamner's Mill Bridge Company.

SEC. 25. *Be it further enacted*, That said Company when organized shall have all the rights, privileges and immunities, and be subject to all the limitations, and restrictions provided and conferred upon the Knoxville Bridge Company, by an act passed February 23, 1856, unless otherwise provided in this act.

SEC. 26. *Be it further enacted*, That E. C. Frier-son, E. H. McLean, John Nicholson, Evan Jones, and Henry Zellner, be, and they are hereby constituted a Board of Commissioners, any three or whom may act, to open books at such times and places as they may choose to receive subscriptions to the capital stock of said Company, and when the sum of one thousand dollars is subscribed,

Commissioners.

the said stockholders may organize, by the election of a board of Directors, &c.

SEC. 27. *Be it further enacted*, That the rates of toll that said Company may demand and receive, shall be such as are given to said Knoxville Bridge Company, unless the Board of Directors, by a majority thereof, determine to demand less.

To amend charter of Tullahoma, Lynchburg and Fayetteville Turnpike,

SEC. 28. *Be it further enacted*, That the charter of the Tullahoma, Lynchburg and Fayetteville Turnpike Company be so amended that they shall have the right to dispense with the building of bridges across the streams from James Brown's farm, in Lincoln county, to Tullahoma: *Provided*, however, that said Company shall McAdamize the margin of said streams down to the lowest water mark.

Incorporating the Springfield and Kentucky Turnpike.

SEC. 29. *Be it further enacted*, That William H. Johnson, Green Benton, George E. Draughon, Henry Hart, John S. Hart, Jas. Woodard, Joel Bell, and Dr. Brown, of the counties of Davidson, Robertson and Montgomery, be, and they are hereby appointed Commissioners, any five of whom shall constitute a quorum to open books at any time or place they may choose, for the subscription of stock to be used in the construction of a McAdamized, graveled, or graded road running from the terminus of the Springfield and Mausker's Creek Turnpike road, north of Springfield, Robertson county, to the Kentucky State line, in the direction of Adairsville, Kentucky.

SEC. 30. *Be it further enacted*, That the name and style of the Company hereby created shall be the Springfield and Kentucky Turnpike Company, in which name they may sue and be sued, and plead and be impleaded, as other corporations of similar character, and shall have all the rights, powers and privileges, granted by this act to the White's Creek and Springfield Turnpike Company, and also all the rights, powers, and privileges granted by this act to the Springfield and Port Royal Turnpike Company.

May consolidate.

SEC. 31. *Be it further enacted*, That said Company shall have power to contract or consolidate with any other turnpike company, as the two companies may agree: *Provided*, that nothing in this act shall be so construed as to admit of two gates being nearer than five miles of each other, unless the distance to the Kentucky line should not be sufficient to give them two gates, in which event they may have a second gate, at which they may collect toll in proportion to the distance, reckoning full toll for every five miles: *Provided*, the road is both graded and graveled, but if only graded, then only as heretofore provided for.

Rates of toll.

SEC. 32. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 33. *Be it further enacted*, That the Springfield and Port Royal Turnpike Company shall have all the rights, powers, and privileges, conferred by this act upon the White's Creek and Springfield Turnpike Company.

SEC. 34. *Be it further enacted*, That David Read, John L. Bateman, F. G. Earthman, W. S. Whiteman, Louis Morgan, Stephens Clemmons, of Davidson county, and Peter Hinkle, Wm. Street, George Martin, Hiram Binkley, David Holman, William Morris, Maj. W. Lowe, G. A. Washington, Thomas Anderson, J. L. Hollis, and Dr. G. W. Menees, of Robertson county, be, and they are hereby appointed Commissioners, any five of whom shall constitute a quorum, to open books at any time and place they may choose for the subscription of stock to be used in the construction of a McAdamized, graveled, or graded road running from the top of Paradise Hill, the present terminus of the White's Creek Turnpike road, the nearest and most practicable route to the town of Springfield, in Robertson county.

Incorporating
White's creek
and Springfield
Turnpike.

SEC. 35. *Be it further enacted*, That the name and style of the Company hereby created, shall be the White's Creek and Springfield Turnpike Company, with all the rights, powers, and privileges granted by law to the White's Creek Turnpike Company, and with the same powers and privileges granted to the Sycamore Mills Turnpike Company, by the act of January 28, 1850.

SEC. 36. *Be it further enacted*, That the charter of the Paradise Hill, and Clarksville Turnpike Company, passed February 21, 1856, is hereby so amended as to confer upon said Company all the rights, powers, and privileges granted in the foregoing sections of this act.

Amending charter of Paradise Hill and Clarksville Turnpike.

SEC. 37. *Be it enacted*, That the White's Creek and Springfield Turnpike Company shall have the power to locate their road and commence the construction of the road, so soon as they have five thousand dollars stock subscribed, whether to be paid in work or money, said Company shall have six years in which to complete said road, and shall have the right to increase their capital stock to any amount necessary for the construction of the road.

SEC. 38. *Be it further enacted*, That C. Longmire, B. F. Swingle, E. Burchfield, S. W. Bogart, John Longmire, William Longmire, I. H. Bogart, John McInturf, N. T. Brown, A. W. Brown, John Edwards, and Thomas Brown, of the County of Washington, be, and are hereby appointed Commissioners to open books for the purpose of receiving subscriptions to build a turnpike road, commencing at the

Incorporating
the Indian Grave
Gap Turnpike.

Indian Grave Gap, on the North Carolina line, connecting with the Washington County and Walnut Mountain Turnpike Company, at or near Charles Longmire's, on Indian creek, in Washington county. The said subscription may be made payable in money or labor to be performed on said road to the amount of two thousand dollars, which shall be divided into shares of ten dollars each, and as soon as the sum of two thousand dollars, or an amount to build said road is subscribed, a meeting of the stockholders shall be held at Charles Longmire's, in Washington county, of which twenty days' notice shall be given in the newspaper printed at Jonesboro', after which first meeting the stockholders, shall be and they are hereby constituted a body politic and corporate, by the name of the Indian Grave Gap Turnpike Company, and together with those who may afterwards subscribe for or purchase stock, shall so continue, and may own, sell, or buy property sufficient for all the purposes of said road, may sue and be sued, plead and be impleaded, in all courts of this State or elsewhere, in their corporate name and character, and have and enjoy and possess, all the rights, privileges and powers appertaining to bodies politic and corporate by law, and shall have succession for ninety-nine years. The subscribers, or a majority of them in interest, at their first meeting, shall elect seven Directors, who shall elect one of their number President of the Board of Directors, who shall continue in office for two years, and until others are elected and qualified, to fill their places. The President and Directors shall have power to open books and receive subscriptions, as they may think best, for the remainder of the stock necessary to complete said road.

Shall elect Directors.

SEC. 39. *Be it enacted*, That there shall be a meeting of the stockholders once every year, at such time and place as they, at their different meetings, may designate and appoint.

SEC. 40. *Be it enacted*, That it shall be the duty of said Commissioners, or any two of them, to open books for subscription, at Charles Longmire's and at such other places as they may think proper, on the first Monday in July, 1858, and shall keep said books open for thirty days at least, Sundays excepted, and should the amount required to be subscribed not be taken within the time aforesaid, then it shall be the duty of said Commissioners to continue to receive subscriptions until the whole amount is taken up, or at least a sufficiency to complete said road.

Shall keep books open.

SEC. 41. *Be it further enacted*, That, the 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th sections of an act to charter the Cumberland Gap and Washington County Turnpike

Company, passed January 24, 1854, chapter 229, be, and the same are applied to this charter, so far as may be consistent.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 22, 1858.

CHAPTER 80.

AN ACT to establish a Mayor's Court in the towns of Shelbyville, Lebanon, and Fayetteville, and to amend the charter of the city of Memphis; and to give the Mayor and Aldermen of the town of Jonesboro' certain powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor of the town of Shelbyville, be, and he is hereby invested with concurrent jurisdiction with justices of the peace, in all cases of violation of the criminal laws of the State, and also with full power and authority to try and punish all persons guilty of a violation of the ordinances of the Mayor and Aldermen of the town of Shelbyville: *Provided,* said violations take place within the corporate limits of said town of Shelbyville.

SEC. 2. *Be it enacted, by the authority aforesaid,* That the town Constable of the said town of Shelbyville, shall have power to execute State warrants and other process, which Constables generally have the power to execute, within the limits of the corporation.

Powers of town
Constable.

SEC. 3. *Be it enacted, by the authority aforesaid,* That the Mayor and Aldermen of said town of Shelbyville, shall have power to regulate the police of the town; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for their recovery, before the Mayor; to provide for the arrest and confinement, until trial, of all riotous and disorderly persons, within the town, by day or by night; to authorize the arrest and detention of all free negroes, slaves or suspicious persons, found violating any ordinance of the town; to regulate the time and circumstances at, and which free negroes and slaves may be absent from their respective places of abode, and direct the punishment for the breach of such regulations; to prevent and punish, by pecuniary penalties, all breaches of

Duties and jurisdiction of Mayor
and Aldermen.

the peace, noise or disturbances, or disorderly assemblies in any street, house or place in the town, by day or night. They shall have power also to erect and organize a work-house, in or near said town, and any person who shall fail or neglect to pay, or secure to be paid, any fine or costs imposed upon him, by the Mayor, sitting as a Court, as by this act he is authorized to do, shall be committed to the work-house until such fine and costs be fully paid; every person committed to the work-house, shall be required to work for the town, at such labor as his health and strength will permit, within or without said work-house, not exceeding ten hours each day, and for such work and labor, the person so employed shall be allowed, exclusive of his board, a credit upon such fine and costs, of seventy-five cents per day, until the whole is discharged, when he shall be released: *Provided*, that no person shall be compelled to work longer than three months for any one offence.

Town Constable
may be removed.

SEC. 4. *Be it enacted, by the authority aforesaid*, That the town Constable of said town, shall, in all respects, after his election to office, be subject to the by-laws, orders, rules and regulations of the Mayor and Aldermen of said corporation, and for any violation, neglect or disregard, of such by-laws, orders, rules and regulations, he shall, at the will, and in the discretion of said Mayor and Aldermen, be removed from office; that if any vacancy should occur in said office of town Constable, by removal, in manner and for the cause set out above, or in any other way, the said Mayor and Aldermen shall proceed to elect another individual, qualified, to fill said office, who shall serve for the residue of the time, of said town Constable.

Provisions to ap-
ply to Lebanon.

SEC. 5. *Be it further enacted*, That the provisions of this act shall apply to the town of Lebanon, in the county of Wilson.

Shall apply to
Fayetteville.

SEC. 6. *Be it further enacted, by the authority aforesaid*, That the provisions of this act shall extend to the town of Fayetteville, in the county of Lincoln: *Provided*, that said corporation of Fayetteville shall have no work-house, but shall have a calaboose or jail in which to confine delinquents.

Establishing
new wards in
Memphis.

SEC. 7. *Be further it enacted*, That it shall be lawful, (and it is hereby made a part of the charter of the city of Memphis,) to establish two additional wards in the said city, namely, the seventh and eighth wards, and shall be bounded as follows: That part of said city lying south of the south side of Adams' street, extended, or Overton's avenue, and east of Bayou Gayoso, shall comprise the seventh ward in said city. And all that part of said city lying east of said Bayou, and north of the south side of

Adams' street or Overton's avenue, shall comprise the eighth, in the same city.

SEC. 8. *Be it enacted*, That hereafter it shall not be lawful for the Board of Mayor and Aldermen, in the city of Memphis, to allow the Aldermen therein any remuneration whatever for their services, unless a majority of the qualified voters therein, shall so determine, at the annual elections, therein regulating the amount to be paid each of said Aldermen, if anything.

SEC. 9. *Be it further enacted*, That the Mayor and Aldermen of the town of Jonesboro' are heroby vested with full power, to license, tax and regulate, hackney carriages, carts, omnibusses, wagons and drays, and to fix the rates to be charged for the carriage of persons and property within the city. Amending character of Jonesboro'.

SEC. 10. *Be it further enacted*, That the Mayor of said town shall have and exercise concurrent jurisdiction with justices of the peace, in the trial and punishment of all offences against the ordinances of said town, and be entitled to the same fees for his services, as are now allowed to justices of the peace.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 24, 1858.

CHAPTER 81.

AN ACT for the benefit of Robert R. Gilbert, and S. T. Turner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant upon the Treasurer, to Robert R. Gilbert, of the county of Weakley, for the sum of three hundred and twenty-five dollars and forty-three cents, to reimburse said Gilbert for expenses actually incurred by him, in pursuing and apprehending, upon the warrant of the Governor of Kentucky, issued upon requisition of the Governor of Tennessee; and in bringing back to justice one Alexander Myers, who had been indicted of felony, in the Circuit Court of Weakely county, and was afterwards convicted and sentenced to the Penitentiary.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to S. T. Turner, late Sheriff of Roane county, for the sum of fifty-eight dollars and seventy-eight cents, for himself and guards, for conveying one James A. Inman, on a charge of felony, from Roane county to Esquire Cooke's, in White county, and for conveying a negro man, named George, charged with murder, from Kingston to Sparta.

SEC. 3. *Be it enacted*, That this act take effect, from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 25, 1858.

CHAPTER 82.

AN ACT to change the time of holding the Circuit Courts in the counties of Decatur, Haywood, Davidson, Putnam, Lauderdale; and to amend the 15th section of an act passed 28th February, 1856, establishing the county of Cheatham, chapter 122; and to establish the 4th and 14th Civil Districts, in Hamilton county, a separate Chancery District.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Court of Decatur county, shall hereafter be held on the first Mondays in March, July and November, in each year, and the county of Decatur is hereby attached to the eleventh Circuit, as the said Circuits are numbered, in the revised Code, at the present session of the Legislature.

For Haywood. SEC. 2. *Be it enacted*, That the Circuit Court of Haywood county, shall hereafter be held on the fourth Mondays in January, May and September, in every year; but the first Court to be held in Haywood county, after the passage of this act, shall be held at the time now prescribed by law, and thereafter at the time prescribed by this act.

Of Davidson. SEC. 3. *Be it enacted*, That hereafter the Circuit Court for the county of Davidson, shall be held on the fourth Monday in January, the 3d Monday in May, and 2d Monday in September, and that all process issued hereafter shall conform to this change, and that this act shall take effect, and be in full force from and after its passage.

Of Putnam. SEC. 4. *Be it further enacted*, That hereafter the Circuit Court for the county of Putnam, shall be held on the 3d Mondays in January, May and September: *Provided*,

that the next term of said Court shall be held at the time now prescribed by law. *Be it further enacted*, That the Circuit Courts, for Lauderdale county, be held on the third Mondays in January, May and September. Of Lauderdale.

SEC. 5. *Be it further enacted*, That section 15 of an act passed February 28th, 1856, to establish the county of Cheatham, chapter 122, be so amended as to authorize suitors, in the county of Cheatham, to file their bills in the Chancery Court at Springfield, in the county of Robertson.

SEC. 6. *Be it further enacted*, That the 4th and 14th Civil Districts of Hamilton county, shall constitute a separate Chancery District, and the Court of and for the same, shall be held by the Chancellor of the fifth Chancery Division, in the city of Chattanooga, on the first Mondays in January and July, in each and every year. Chancery District
for Hamilton.

SEC. 7. *Be it further enacted*, That the Clerk and Master of the Chancery Court at Harrison, shall be the Clerk and Master of the Chancery Court at Chattanooga, who shall, as to the Court at Chattanooga, perform all the duties, have all the rights and powers, and be subject to all the duties and liabilities by law imposed upon the said officer. He shall give a separate bond and security for the faithful performance of his duties, as Clerk and Master of the Chancery Court at Chattanooga. He shall, by himself or his deputy, keep in Chattanooga, his office, as Clerk and Master of the Court at Chattanooga.

SEC. 8. *Be it further enacted*, That the Sheriff of Hamilton county, and his deputies, shall serve as the officers of said Court, and shall obey the orders of the same, as by law they are now required to do, by the orders of the Chancery and Circuit Courts of Hamilton county. He shall give separate bonds for the faithful performance of his duty, as the officer of said Court, and shall have all the rights, and be subject to the same penalties, as the officers of other Chancery Courts.

SEC. 9. *Be it further enacted*, That the fees of all the officers of said Court shall be the same as allowed by law to officers of other Chancery Courts.

SEC. 10. *Be it further enacted*, That the fines and forfeitures arising from, or growing out of any business in said Court, shall be disposed of as the fines and forfeitures, which are now collected in the Chancery Court at Harrison, in said County.

SEC. 11. *Be it further enacted*, That any suits, now pending in the Chancery Court at Harrison, may, by consent of the parties, be transferred to the Chancery Court at Chattanooga.

SEC. 12. *Be it further enacted*, That the expense of erecting a court house and necessary offices for the use of said Court, shall be paid by the 14th Civil District of Hamilton county. The inhabitants of the 4th district, shall never be taxed anything for the public buildings, and shall never be taxed any more to pay the expenses of said Court than the inhabitants of any other district of Hamilton county.

SEC. 13. *Be it further enacted*, That the provisions of an act passed January 23d, 1846, entitled "An act for the relief of suitors, in Chancery, in the third Judicial Circuit," be applied to this Court.

SEC. 14. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed February 25, 1858.

CHAPTER 83.

AN ACT for the benefit of the Columbia and Campbellsville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the existence of the Columbia and Campbellsville Turnpike Company, as organized under the act passed February 7th, 1850, authorizing the formation of Turnpike Companies, be and the same is hereby recognised and legalized as a corporate body, by which name it may perform all the duties, enjoy all the rights, privileges, and be subject to all the limitations, restrictions, pains and penalties, provided by said act, and acts amendatory thereto.

SEC. 2. *Be it further enacted*, That the bed of the road, built, or to be built by said Company, shall be gravelled or McAdamized, sixteen feet wide; that the rock or gravel shall be nine inches thick, for said width, instead of twelve inches in the centre, and six inches on the sides.

SEC. 3. *Be it further enacted*, That said Company are hereby authorized to stop the building of their road, at the distance of ten miles from the town of Columbia, and erect thereon two toll-gates.

SEC. 4. *Be it further enacted*, That said Company may have condemned for their use, for toll-gates, not more than one-half acre of land, under the rules and regulations prescribed by said act, passed February 7th, 1850, for the condemnation of lands for their road bed.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 26, 1858.

CHAPTER 84.

AN ACT to incorporate the Cumberland Presbyterian Church, at Bear Creek, in the county of Marshall; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Ashly Moore, Wm. H. Dickens, James Orr, James B. Lowery, Wm. Calvert, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Cumberland Presbyterian Church, at Bear creek, in the county of Marshall, Tennessee, with power to sue and be sued, plead and be impleaded, in all the courts of law and equity in this State, and to do and perform all other things necessary and usual for like corporations.

SEC. 2. *Be it further enacted*, That said corporation shall have power to receive, by gift, donation or otherwise, real and personal property, necessary for and about their said Church, and they shall have power to sell and convey any and all real and personal property they may deem advisable; and to do all other things necessary to complete and continue their organization, by the election of officers of their Board, and to make such rules and regulations, consistent with the laws of this State, as they may deem advisable; any three of said Trustees shall constitute a Board to transact all business in relation to their said corporation.

SEC. 3. *Be it further enacted*, That Thos. Dillow, Isaac Dalen, Isaac Stephens, Rufus Boyd, Robert Trewett, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style

Incorporating
the Church of
Horse Creek.

of the Trustees of the Methodist Church of Horse creek Camp Ground, in Sullivan county, Tennessee, with power to sue and be sued, to plead and be impleaded, answer and be answered, in all kinds of sales and actions, and to do and perform all other acts and things which bodies corporate may lawfully do.

SEC. 4. *Be it further enacted*, That the corporation shall have power to receive by gift, donation or purchase, and to hold personal, real or mixed property, to sell, exchange, mortgage or otherwise dispose of the same, which is not to exceed six thousand dollars, as in their judgment may best subserve the interest of the said Church.

SEC. 5. *Be it further enacted*, That said Board shall have power to make all by-laws, rules and regulations, necessary for their own government, to choose their own officers in such manner as the Board shall prescribe; to prescribe the mode in which their successors shall be chosen; to fill vacancies, and to do such other acts and things as may be necessary and proper, to the carrying out the object of this corporation: *Provided*, none of their by-laws and regulations be inconsistent with the Constitution of the State.

SEC. 6. *Be it further enacted*, That three of said Board of Trustees, shall constitute a quorum to transact business.

SEC. 7. *Be it further enacted*, That James C. Conner, Levi Green, Wm. H. Stringor, Alfred M. Rogers, George W. Rogers, Joshua Beck, James H. Dobbs, Jonah M. Anderson and Burrel Bennett, and their successors, be and they are hereby created a body politic and corporate, by the name and style of the Fair Mount Male and Female Academy; said Academy to be located on Walden's Ridge, in Hamilton county, to have perpetual succession, and by that name may purchase, receive and hold, any property, personal, real or mixed, which may be given, granted or devised to them for the use and benefit of said Academy, and may use and dispose of the same, as they may think best for the benefit thereof; shall have a common seal, and by the name aforesaid may sue and be sued, plead and be impleaded, in any court of law or equity in the State or elsewhere.

Incorporating
Fair Mount Male
and Female Aca-
demy.

SEC. 8. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings at such times and places as may be from time to time agreed upon, by a quorum of said Board of Trustees; they may appoint a President, Secretary and Treasurer of said Board, and fill all vacancies that may occur by death, removal, resignation or otherwise; but not less than four members of said Board, together with the President there-

of, shall constitute a quorum to transact any business relating to the management, interests or government of said Academy.

SEC. 9. *Be it further enacted*, That said Trustees shall have power to make such by-laws, rules and regulations, for the government of said Academy as they shall deem proper, not inconsistent with the laws of this State, and of the United States.

SEC. 10. *Be it further enacted*, That the Trustees of Fair Mount Male and Female Academy, shall have full power and authority to elect and employ a President, and such other teachers as they may deem proper and necessary; they shall also have power and authority to confer such degrees and literary honors, as are usually conferred in such institutions, and to grant diplomas, under the seal of the institution, which shall be signed by the President and other teachers, and the President and Secretary of the Board of Trustees. May choose teachers.

SEC. 11. *Be it further enacted*, That the buildings and lot of said Academy shall be exempt from taxation.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed February 26, 1858.

CHAPTER 85.

AN ACT to incorporate the town of Goodlettsville, the town of Smithville, the town of Bellbuckle, the town of Wartrace, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Goodlettsville, in the county of Davidson, and the citizens and inhabitants thereof, are hereby incorporated by the name and style of the Mayor and Aldermen of Goodlettsville, and shall have perpetual succession, and, by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real and personal property, and sell and dispose of the same at pleasure, for the benefit of said town, and may have and use a town seal.

SEC. 2. *Be it further enacted*, That the territory comprised within the limits of said town or corporation, shall be as follows, to wit: Beginning at a stake on Mansker's

creek, running thence west, so as to include the toll-gate on the Louisville Turnpike road, to a high point in Dr. Mathis' pasture, thence south to a stake in R. D. Goodlet's field, thence east to a stake in William Grizzard's pasture, thence north to a stake in Mansker's creek, and thence with said creek to the beginning.

SEC. 3. *Be it further enacted*, That there shall be elected, by the qualified voters of said town, a Mayor and six Aldermen, who shall hold their offices for twelve months, and until their successors are elected and qualified, and it shall be the duty of the Sheriff of said county, by himself or deputy, to advertise, open and hold the first election for such officers, giving ten days' notice of the time and place of holding the same, and the subsequent elections for said officers shall be held, as hereinafter provided; that said Board of Mayor and Aldermen may elect a Constable, Recorder, and Treasurer, for said town, to hold their offices for twelve months, but who may be removed from office by a majority of the Mayor and Aldermen, at any regular meeting, and the said Constable, Recorder and Treasurer, before entering upon the duties of their offices, shall execute such bonds and security, as may be required of them by said Mayor and Aldermen, and payable to said Mayor, for the faithful discharge of the duties of their respective offices, and accounting for and paying over all moneys by them collected, or received for the use of the town; and the compensation of said officers shall be fixed and regulated by said Mayor and Aldermen.

SEC. 4. *Be it further enacted*, That five of said Aldermen shall constitute a Board for the transaction of business. The Mayor shall have the casting vote on all questions before them, and said Mayor and Aldermen shall, before entering upon the duties of their respective offices, take an oath before some justice of the peace of said county, faithfully, uprightly and honestly to demean himself, or themselves, as Mayor and Aldermen of said Corporation, during their continuance in office.

Who may be
Mayor.

SEC. 5. *Be it further enacted*, That no person shall be eligible to the office of Mayor or Alderman of said Corporation, unless he be a citizen of the United States, and a citizen of the State of Tennessee, and a *bona fide*, actual resident in said town, and a freeholder in the same.

SEC. 6. *Be it further enacted*, That said Mayor and Aldermen, after the first election, shall meet on the first Monday after said election and organize themselves into a Board of Mayor and Aldermen, and may appoint a place for their regular meetings. They shall appoint three judges of election, whose duty it shall be to open and hold

all subsequent elections for Mayor and Aldermen, who shall take an oath faithfully and impartially to discharge their duties. They shall open the polls at 10 o'clock in the forenoon, and close them at 4 o'clock in the afternoon of the day of election, when they shall forthwith ascertain and certify to the existing Mayor the result of such election. All persons in said town, and all persons resident and paying taxes therein, shall be qualified to vote at said elections, to be held by virtue of this act. Any Alderman removing from said town, and residing out of the limits thereof, or ceasing to be a freeholder therein, shall thereby vacate his office. All vacancies in the Board of Aldermen shall be filled by a vote of the majority of the remaining members. When two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the Aldermen elected at the said election, and a vacancy in the office of Mayor shall be filled in the same manner. The Mayor shall preside at all meetings of the Council, to see that the laws and ordinances of the town are executed, and call special meetings of the Council, when deemed expedient.

SEC. 7. *Be it further enacted*, That said Mayor and Aldermen shall have power, by ordinance in said Corporation :

First—To levy and collect taxes upon all property taxable by law for State purposes.

Second—To levy and collect taxes upon all privileges and polls taxable by the laws of the State.

Third—To appropriate money and to provide for the payment of the debts and expenses of the town.

Fourth—To make regulations to prevent the introduction of contagious diseases into the town.

Fifth—To make regulations for the general health of the town and to prevent and remove nuisances.

Sixth—To open, widen, extend and establish streets, lanes and alleys in said town.

Seventh—To establish, support and regulate a night-watch and patrol.

Eighth—To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, coffee-houses, confectionaries, retailers of liquors, hawkers, peddlers, livery stable keepers, and negro traders.

Ninth—To regulate or prohibit and suppress all disorderly houses, and bawdy houses.

Tenth—To provide for the prevention and extinguishment of fires; to organize and establish fire companies, and to regulate and prevent the carrying on of manufactures calculated to create fires, or to produce sickness or disease.

Eleventh—To regulate the storage of gunpowder and other combustible materials.

Twelfth—To regulate the police of the town ; to impose fines, forfeitures and penalties, for the breach of any ordinance, and to provide for their recovery and appropriation.

Thirteenth—To provide for the arrest and confinement, until trial, of all riotous and disorderly persons, within the town, by day or by night ; to authorize the arrest and detention of all free negroes, slaves or suspicious persons found violating any ordinance of the town ; to regulate the time and circumstances, at and under which free negroes and slaves may be absent from their respective places of abode, and direct the punishment for the breach of such regulations.

Fourteenth—To prevent and punish by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place, in said town, by day or night.

Fifteenth—To prevent all encroachments upon the streets, lanes, alleys, side-walks, established by ordinances or laws of the town, and to pass all laws and ordinances, not contrary to the Constitution and laws of this State, or of the United States, that may be necessary to carry out the intent of this act, and the benefit of said town.

SEC. 8. *Be it further enacted*, That all fines, penalties, and forfeitures, imposed by the by-laws and ordinances of said Corporation, shall be sued for and recovered, as other moneys are, under the existing laws of the State, by the Mayor and Aldermen of said Corporation, and for the use of said town.

SEC. 9. *Be it further enacted*, That the Constable of said town shall have the same fees as are allowed to other constables of the State for similar services, and it shall be his duty to execute all warrants and other processes growing out of the corporation laws and issued from justices of the peace, who shall have jurisdiction to hear and determine all questions, warrants, suits, complaints or prosecutions, growing out of any violations of the by-laws or ordinances of said town.

SEC. 10. *Be it further enacted*, That the boundaries of the corporation of the town of Smithville, in the county of DeKalb, be so altered and amended as to run as follows, to wit : Beginning at the Chalybeate Spring, now owned by Isbell, Tabb & Co., running from thence westwardly, so as to include the dwellings of Robert Cantrell and David J. Dukes, to the west boundary line of said Dukes' land, thence south with said line to David Fite's line, and with Fite's line to the lot belonging to the Male

Academy, thence west with the same to the northwest corner of said lot, thence continuing a southwardly direction to the southwest corner of a lot of land A. M. Savage bought of John C. Canady, thence westwardly to the Gum Spring, at Staley & Cartwell's tan-yard, thence down the Gum Spring branch to the Camp-Ground spring, thence northwardly to the stage road, on the east side of J. L. Fair's houses, thence northwardly to the beginning.

SEC. 11. *Be it further enacted*, That the citizens included in said bounds, shall have all the rights and privileges granted to said town by the original act of incorporation, granted by the act of 1843, chapter 23, and the amended charter, granted January 31st, 1846, chapter 153, section 4.

SEC. 12. *Be it further enacted*, That all laws, charters or privileges, granted to, or used by said Corporation, not conferred by said original, and amended charters, be, and the same are hereby repealed.

SEC. 13. *Be it further enacted*, That the citizens within the following boundary, in the county of Bedford, be, and the same are hereby incorporated in a body politic, under the name and style of the Mayor and Aldermen of the town of Bellbuckle: Beginning at a beech tree at the west end of a lane, between Bumel Featherston and R. D. Rankins' farms, thence west with the lane between W. J. Peacock and Bumel Featherston, crossing the Nashville and Chattanooga Railroad, including the dwelling house of R. J. Thomas, to a rock, thence southeast with the bearing of the railroad to a rock in a thicket in Mrs. Elkins' lot, thence east across the railroad to a sassafras in A. D. Fugitt's lot, near his barn, thence northwest to the beginning.

To incorporate
Bellbuckle.

SEC. 14. *Be it further enacted*, That on the first Saturday in March, of each and every year, the Sheriff of Bedford county shall open and hold an election for seven Aldermen in said town, who shall serve for twelve months from their qualification as such, or until their successors are elected and qualified; any five of whom shall be a quorum to do any and all business: *Provided*, that if from any cause the said Sheriff shall fail to hold the election upon the day designated in this section, he may hold the election upon any other day, upon giving ten days' notice of the time and place of holding said election.

Time of election.

SEC. 15. *Be it further enacted*, That the said Board of Aldermen shall, at the first meeting, elect one of their number Mayor, who shall perform the duties of the office of Mayor for the term of twelve months, or until his successor shall be elected and qualified. Said Board shall also elect all other officers provided for in said corporation.

Amount of stock.

SEC. 16. *Be it further enacted*, That the charter of incorporation of the town of Bristol, in the county of Sullivan, passed February 22, 1856, chapter 119, be, and the same is hereby adopted, as the charter of incorporation for the town of Bellbuckle, so far as the same is not inconsistent with the provisions of this act.

Mayor of Winchester to have jurisdiction of magistrates.

SEC. 17. *Be it further enacted*, That the Mayor of the town of Winchester, in the county of Franklin, be, and he is hereby invested with concurrent jurisdiction with justices of the peace, in all cases of violation of the criminal laws of the State, or of the ordinances of the Mayor and Aldermen of the town of Winchester, within the limits of said town.

Extending time to A. Hancock.

SEC. 18. *Be it further enacted*, That Adam Hancock have the additional time of twelve months to close his business as Constable of the town of Winchester, for the year 1857, and that he have the same power in collecting the taxes in said town, that is now given to the tax collectors in collecting the State and county taxes.

SEC. 19. *Be it further enacted*, That the Constable of the town of Winchester hereafter have the same power in collecting the taxes of said town, that the tax collectors now have in collecting the State and county taxes, and to have power to execute process any where in the county, in order to execute the judgments founded in cases arising in said town.

Incorporating Wartrace.

SEC. 20. *Be it further enacted*, That the citizens of the town of Wartrace, in the county of Bedford, living within the limits of said town, as set forth in a charter of incorporation, granted to said town by the County Court of Bedford county, at its — term, 18—, be, and the same are hereby incorporated a body politic and corporate, by the name and style of the Mayor and Aldermen of the town of Wartrace, and that they be invested with all the rights, privileges and immunities conferred upon them by the aforesaid charter of incorporation, granted by the County Court, except so far as the same may be altered and changed by this act.

SEC. 21. *Be it further enacted*, That the affairs of said corporation shall be managed by a Board of Aldermen, consisting of five persons, who shall be elected as pointed out in said charter of incorporation.

SEC. 22. *Be it further enacted*, That all of the acts of the Mayor and Aldermen of said town of Wartrace, heretofore done in accordance with the powers granted to them by the said act of incorporation, be, and the same are hereby declared to be valid and binding upon citizens

living in said town, as though said charter of incorporation had been granted by the Legislature of this State.

SEC. 23. *Be it further enacted*, That an act, passed at this session of the Legislature, changing the line of the first civil district in Knox county, and establishing a new district, be, and the same is hereby repealed. Repealing act changing line of civil district in Knox county.

SEC. 24. *Be it further enacted*, That the residence of William P. Kelly, in Hickman county, be included in district No. 14. For the benefit of W. P. Kelly.

SEC. 25. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 26, 1858.

CHAPTER 86.

AN ACT to charter the Cleveland and Ducktown Railroad, and to amend the charter of the Lookout Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized for the purpose of constructing a Railroad from the East Tennessee and Georgia Railroad, at or near Cleveland, to Ducktown, in Polk County, Tennessee, and to the Georgia or North Carolina State line, so as to connect with any railroad chartered by either of said States, which Company shall consist of the stockholders, and when formed shall be a body corporate, by the name and style of the Cleveland and Ducktown Railroad Company, and by such name shall have and enjoy, possess, and exercise all the rights, powers, privileges, and franchises, so far as the same are applicable, as possessed by the Nashville and Chattanooga Railroad Company, and be subject to the same liabilities: *Provided*, that the President shall be elected as the other Directors are by a direct vote of the stockholders, and each share shall entitle the owner thereof to one vote, and no stockholder shall be President or Director unless he be the owner of at least ten shares in his own right.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be five hundred thousand dollars, and if

Commissioners.

that amount be insufficient to build said road it may be increased by the Company to any amount deemed by them necessary for that purpose, to be divided into shares of fifty dollars each, and William M. Biggs, James McKamy, D. C. Haskins, James Smith, Samuel Parks, James Sloan, R. W. McClary, N. L. Foute, George Cloud, T. T. Biggs, John Goodman, G. W. Carruth, A. S. Jarnagin, L. Williams, T. J. Esterbrack, Samuel Congdon, and James Gamble, of the county of Polk, Thomas H. Callaway, William Grant, Euclid Waterhouse, P. J. R. Edwards, Wm. H. Tibbs, Wm. H. Craigmiles, D. C. Kenner, W. J. Hughes, John H. Rogers, G. W. Parks, R. S. Stuart, A. A. Clinghan, T. Haney, R. Warren, W. B. Wright, and J. F. Hays, of Bradley county, and James A. Whiteside, are hereby appointed a board of Commissioners, a majority of whom shall be competent to act, who may, at such times and places, and upon such terms as they may think proper, open books for the subscription of stock, and who shall, as to this road in all respects have the powers and perform the duties prescribed for the board of Commissioners of the Nashville and Chattanooga Railroad Company in relation to that road by the 4th section of the act incorporating said Company, and whenever one thousand shares shall have been subscribed, the Company shall be considered as formed, and as having a corporate existence as aforesaid, and the Board of Commissioners may proceed to survey the route of said road, and make an estimate of the cost of its construction, and when two thousand shares shall be subscribed, the Board of Commissioners shall appoint a time for the stockholders to meet at Benton, for the purpose of electing a President and ten Directors, to manage the affairs of said Company.

May amalgamate with other roads.

SEC. 3. *Be it enacted*, That said Railroad Company is hereby authorized and empowered to unite or amalgamate its stock with any company or companies whose road or roads connect with theirs, which amalgamation may carry with it all the rights and privileges of said Company so as to make a consolidated line and interest, and any Railroad company or companies whose road or roads connect with said Cleveland and Ducktown railroad, are hereby authorized and empowered to receive said amalgamation so as to form one company or single proprietorship of road out of what previously may have constituted two or more companies, and said Cleveland and Ducktown Railroad Company, alone, or consolidated with another, may purchase or lease the privilege of running its trains on the track of any connecting road: *Provided*, that nothing

herein contained shall be so construed as to entitle said Cleveland and Ducktown Railroad to State aid.

SEC. 4. *Be it enacted*, That the charter of the Lookout Turnpike Company be so amended that there shall be but three instead of five Directors, as heretofore directed by law, and it shall not be necessary that said Directors are stockholders of said Company.

Amending charter of Lookout Turnpike.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 26, 1858.

CHAPTER 87.

AN ACT for the benefit of the Rogersville and Jefferson Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Rogersville and Jefferson Railroad Company, when they have completed the grading and masonry ready for the timber as the law now provides, upon their road from Bull's Gap to the bridge at Holston river, shall have authority to draw the State bonds for the purchase of iron for that portion of the road: *Provided*, they have, at the time of their application, the remaining portion of said road under contract in good faith, and are proceeding to the completion of the same, which shall appear to the Governor by the report of the Commissioner, to the said town of Rogersville; and that they shall be authorized to draw the balance of said appropriation as soon as the grading and masonry are completed to the terminus at Rogersville.

SEC. 2. *Be it further enacted*, That said company may elect, as Directors, stockholders who own stock to the amount of five hundred dollars.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 26, 1858.

CHAPTER 88.

AN ACT to incorporate the Memphis and Big Creek Turnpike Company ; to extend the charter of Rome and Carthage Turnpike Company ; and to amend the charters of the Murfreesboro' and Manchester Turnpike Company, and of the Murfreesboro' and Wilkinson Cross Roads Turnpike Company, and to incorporate the Hartsville and Puryear's Ferry Turnpike Company, and to amend the charter of the Montgomery Turnpike Road ; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. H. Douglass, W. B. Miller, George Holmes, W. A. Beckford and Dr. D. Dowell, are appointed Commissioners, all or any three of whom are authorized, on giving two weeks notice in any newspaper printed in Memphis, to open books for the purpose of receiving subscriptions, to be applied in making a turnpike road from the city of Memphis to the Tipton county line ; the capital stock of said Company shall be divided into twenty-five dollars each, and as soon as forty thousand dollars are subscribed, the Commissioners aforesaid, or any three of them, giving two weeks notice in any newspaper printed in Memphis, a meeting of the subscribers shall be held, and from and after the first meeting, the subscribers aforesaid, shall be constituted a body politic and corporate by the name of the Memphis and Big Creek Turnpike Company, and by that name shall sue, and be sued, plead and be impleaded, to answer and be answered, sell and purchase, and have a common seal. The shareholders present at any meeting, either in person or by proxy, shall elect seven Directors, being shareholders, who shall elect one of their number President, and said President and Directors shall hold their offices for one year, and until their successors are elected. In all elections each shareholder shall be entitled to one vote for every share by him subscribed, except in the election of Secretary and Treasurer, if said officers are deemed necessary, who shall be chosen by a majority of the Board of Directors.

SEC. 2. *Be it enacted*, That the President and Directors thus chosen, shall have power, if the said sum of forty thousand dollars is not sufficient to complete the road, to receive subscriptions for any amount necessary to completely finish said road, and they may require from time to time of the shareholders, such advances on their respective shares as the wants of said Company may require and demand, until each shareholder shall have paid in full the amount by him subscribed. In case any shareholder refuse to pay his subscription at the time and in the amounts required, and remain in default sixty days, the President

Amount of
shares.

and Directors may sell, by auction, and convey to the purchaser the share or shares of such subscriber in default, giving said subscriber notice of the time and place of sale, and after retaining the sum due with costs of, to pay over the surplus to the former owner, and if the sale shall not produce the sums to be advanced, with interest and incidental charges, in that case it shall be lawful for the Company to recover the balance of the original proportion, by any suit at law or equity.

SEC. 3. *Be it enacted*, That the President and Directors, shall be authorized to locate the line of the road, and in case said Company and the person or persons over whose land said road shall run, cannot agree as to the amount of the damages, said person or persons may, any time within three years after the completion of the road, apply to the County Court for a writ *ad quid damnum* to ascertain the damages sustained, which said suit shall be directed to the Sheriff, commanding him to summon five disinterested freeholders to meet on the premises, who shall view the land, make in writing a statement of the damages sustained by the owner of the land, and give in the same at the next County Court, which Court shall, upon motion, enter up judgment against the Company for the amount of damages thus assessed: *Provided*, that ten days' notice be given the President of said Company, of the meeting of said jury, of view, on the premises, and also, that either party have the right of appeal from said judgment. In the assessment of damages, the enhanced value given to the remainder of the owner's land by the location of the turnpike road is not to be estimated.

SEC. 4. *Be it enacted*, That said road shall not be less than twenty feet wide, and the President and Directors may let out to or contract with others to build said road, or any part thereof, erect bridges when necessary, and for the construction of said road may use earth, stone, gravel, sand, plank or any other material necessary to make the road good and substantial.

SEC. 5. *Be it enacted*, That as soon as five miles of the road from Memphis is completed, the Company may erect one toll-gate, distant not less than one mile from the Corporation line of Memphis, and one gate for each additional five miles, as the same may be completed, the second gate being not less than five miles from the corporation line of Memphis, and the following rates of toll may be charged at each gate, to wit: For each pleasure carriage, twenty-five cents; for each four wheeled buggy, fifteen cents; for each wagon, with four or more horses, mules, oxen or other animals, twenty-five cents; for each wagon, carryall or

May erect toll
gate.

Rates of toll.

dearborn wagon, with two horses, mules or other animals, fifteen cents; for each gig, cart or two wheeled vehicle, ten cents; for every person, and the animal he or she rides, five cents, and for each head of cattle, hogs, horses, mules, or sheep, jacks and jennetts, two cents. When the entire road is completed from the corporation line of Memphis to the Tipton county line, if the distance between the last gate and the Tipton county line is more than seven miles and a half, another gate may be erected at the distance of five miles, but only the one-half of the aforesaid rates of toll may be charged at said gate.

SEC. 6. *Be it enacted*, That any person refusing to pay toll at the time of offering to pass any gate, or if any person shall fraudulently pass said gate, or in any manner evade the payment of tolls, such person shall forfeit to the Company five dollars for every such offence, to be recovered by suit in the name of the Company.

SEC. 7. *Be it enacted*, That should any part of said road be and remain out of repair for twenty days in succession, it may be lawful for any person to apply to the County Court to appoint three disinterested freeholders to examine said road, and report on oath, and if said three freeholders report on oath that the road is not in such order and repair as is required by this act, the County Court shall direct the Sheriff to open the gate nearest to the point or place out of repair, and stop the collection of tolls at said gate until the road shall be repaired, when the gate shall again be closed by the sheriff, and tolls received, and the Company shall pay the costs of the proceedings; but if it shall appear that the road is in good order and repair, as is required by this act, the case shall be dismissed at the cost of the informers.

SEC. 8. *Be it enacted*, That shares in said Company shall be considered personal property, and stockholders may have the right of transferring the same by sale, gift or otherwise, and the liability of no stockholder shall in any event extend beyond the payment of the amount of stock by him subscribed.

SEC. 9. *Be it enacted*, That no dividends shall be declared until the road is completed from the corporation line of Memphis to the Tipton county line, and that even then, nor at any subsequent time shall any dividends be divided, unless the President shall, at the term of the County Court next preceding the intended division of dividends, appear in open Court and make an affidavit, setting forth the amount of dividends that the President and Directors intend to declare, and that he does not know or believe that any debt or debts, then or thereafter to become due for

Shall keep road
in repair.

May transfer
stock.

Dividends.

construction, or repairs, or otherwise, are outstanding against the Company, and that in truth he can see no reason why a dividend should be withheld from the stockholders, which affidavit shall be transcribed on the minutes of the Court, for which service the Company is to pay the clerk one dollar.

SEC. 10. *Be it enacted*, That when the Directory have completed the first five miles from Memphis, they may apply to the County Court, and have two Commissioners appointed, who shall view the section of five miles, and upon their report to the Court, which shall be entered on the minutes, that said section has been completed; one gate may be erected and the tolls aforesaid received, and as soon as other sections of five miles are completed, application may be made in similar manner, and tolls received at other gates.

SEC. 11. *Be it enacted*, That said Company may rent or purchase real estate not exceeding one acre for the use of each toll-gate.

SEC. 12. *Be it further enacted*, That the Carthage and Rome Turnpike Company have the further time of two years to build their road. Carthage and Rome Turnpike.

SEC. 13. *And be it further enacted*, That the charter of the Murfreesboro' and Manchester Turnpike Company be so amended, as to permit the Company to keep a toll-gate within one mile of the corporate limits of the town of Murfreesboro: *Provided*, that the residents of the city shall not be required to pay toll at the gate unless they travel two miles on the road, and the Company shall not be required to keep the road equal to the Nashville, Murfreesboro' and Shelbyville road, but in good traveling order. Amending charter of Murfreesboro' and Manchester Turnpike.

SEC. 14. *And be it enacted*, That the charter of the Murfreesboro' and Wilkinson's Cross Road Turnpike Company, be so amended as to permit the Company to erect and keep a toll-gate east of the West fork of Stone's river—and further, the Company may, for the purpose of making and keeping the road in order, cut, dig or quarry, and take from the land of any person, within one mile of said road, such timber, rock, earth or gravel, as may be necessary for said purpose, and if any person or persons from whose lands such material may be taken, shall desire compensation for the same, he, she or they, may apply to any justice of the peace in the county, who shall appoint three disinterested freeholders for the purpose of valuing such timber, stone or gravel, and they shall grant a certificate upon oath, to the injured party or parties, and the amount or amounts may be collected from said Company before any tribunal having cognizance thereof. Amending charter of Murfreesboro' and Wilkinson's Road Turnpike.

Incorporating
Hartsville and
Purveyor's Turn-
pike Company.

SEC. 15. *Be it further enacted*, That Samuel W. Lesueur, James D. Bennett, John P. Wilson, A. G. Branchour and Robert M. Potts and their associates, and those who may hereafter become associated with them, be and they are hereby declared to be a body politic, with powers to sue and be sued, under the name and style of the "Hartsville and Purveyor's Ferry Turnpike Company; and they are hereby authorized and empowered to open and construct a Turnpike Road, leading from Purveyor's Landing, on Cumberland river, in the county of Sumner, intersecting the Hart's Ferry Turnpike Road, near Winslow Hart's residence; the same to run upon the most practical route between said two points.

SEC. 16. *Be it further enacted*, That said Company shall have the power to erect one toll-gate upon said land whenever they shall have completed the entire road, they shall likewise have the power to receive the toll, shall construct said road in conformity with the requirements of, and be liable to all conditions and restrictions imposed by, and shall have all the benefits conferred by the act incorporating the Knoxville and Rutledge Turnpike Company, passed February 27th, 1856, chapter 181, section 34.

SEC. 17. *Be it further enacted*, That said Company shall have five years in which to construct said road, and all the rights and privileges herein granted, shall continue to said Company and their successors, for the period of ninety-nine years.

Chartering the
Wolf river and
Clear fork Turn-
pike.

SEC. 18. WHEREAS, John Stanfield, and John H. Briant, the owners of the Montgomery Turnpike Road, have sold all that portion of said road lying in Fentress county, to Eli F. Johns and R. Hurst, *Therefore*, SEC. 1. *Be it enacted*, That the portion of the Montgomery Turnpike road, lying in Fentress county, be disconnected from the balance of said road and be known by the name of the Wolf River and Clear Fork Turnpike, and that Eli F. Johns and R. Hurst, be and they are hereby constituted a body corporate, with all the powers and privileges and subject to all the penalties and liabilities, and in every way to be governed by the act of the General Assembly, chartering the Montgomery Turnpike Company; the said Johns and Hurst to keep up, according to the original charter, all the road in Fentress county, and receive all the tolls by law receivable at any gate or gates, in Fentress county, and that R. P. Herndon be, and he is hereby appointed Commissioner on the Wolf River and Clear Fork Turnpike Road, to act in connection with the Commissioners on the Montgomery Turnpike Road.

Charlotte and
Jones' creek
Turnpike.

SEC. 19. *Be it enacted*, That the charter of the Char-

lotte and Jones' Creek Turnpike Company, be so amended as to compel persons constantly using said road, and not passing through the gate, to pay in proportion to the amount of the road they use.

SEC. 20. *Be it enacted*, That the charter of the Winstead and Owen Turnpike Company, in Williamson county, be so amended as to allow said Company to open a first class graded road, from the present terminus of said turnpike, to the Liberty road, near Beech Grove Academy.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed February 27, 1858.

CHAPTER 89.

AN ACT to consolidate the Nashville and Northwestern, and the Memphis, Clarksville and Louisville Railroad Companies, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville and Northwestern Railroad Company, and the Memphis, Clarksville and Louisville Railroad Company, be authorized to unite their roads; and make a common track for such distance, and upon such terms as the said Companies, through their Presidents and Directors may agree upon, and may build a common bridge across the Tennessee River, and if said Companies unite, they shall be entitled to ten thousand dollars per mile of the State aid now allowed by law to said two companies, for the distance thus run in common; and the whole of the State aid for the bridge across Tennessee river.

SEC. 2. *Be it enacted*, That the Nashville and Northwestern Railroad Company, be authorized to change the location of their line. *May change location.*

SEC. 3. *Be it enacted*, That nothing in this act shall be so construed, as to give the Nashville and Northwestern Railroad Company more than ten thousand dollars per mile, on any portion of said road run singly, and the same amount on such portion of consolidated road.

SEC. 4. *Be it further enacted*, That the Mississippi and Tennessee Central Railroad, may consolidate with the roads mentioned in the first section of this act, upon such

terms, and at such place, as may be agreed upon by the Board of Directors of the consolidated roads, mentioned in the first section of this act: *Provided*, if the Nashville and Northwestern Railroad is changed from its present location in the county of Carroll. The stockholders shall be released from the payment of any more of the calls for stock from said Company: *And provided*, that the consolidated road shall receive no more State aid than ten thousand dollars per mile, and the bridge aid already appropriated by law, to the two roads first named in this bill.

Construing act of
1852 & '54 in re-
lation to bridge
aid.

SEC. 5. *Be it further enacted*, That the 4th section of an act, entitled "An act to amend the Internal Improvement Acts of 1852 and 1854," passed January 19th, 1856, be so construed as to mean that the abutments and embankments necessary to reach from the bridge or bridges, on either side of the stream or streams, to the high land beyond the overflow, at high water mark of said stream or streams, so as to include all the embankment between the bridge or abutment, and the point at which the road reaches the first high land, in every case shall be estimated as a part of the cost of the said bridge or bridges, entitled to State aid, and this construction shall be applied to all acts granting bridge aid, or bridge aid alone, to any bridge or bridges, crossing any stream in this State: *Provided, always*, that in no case shall this be so construed, as to grant an amount exceeding the maximum sum already appropriated for the building of a bridge or bridges.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed February 27, 1858.

CHAPTER 90.

AN ACT to change the place of comparing the polls for Joint Representative for the counties of Scott, Morgan and Fentress, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, the polls of the election for Joint Representative for the counties of Scott, Morgan and Fentress, shall be compared at Jamestown, in Fentress county, on the first Mondays next succeeding the days of election.

Sec. 2. *Be it further enacted,* That hereafter the vote for Joint Representative for the counties of Bledsoe, Rhea and Hamilton, shall be compared at Harrison, instead of Washington, as provided by the act passed February 19, 1852; and that so much of said act of February 19, 1852, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 91.

AN ACT to incorporate the Mt. Carmel Academy, in the county of Williamson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there be established, in the county of Williamson, in said State, an institution of learning, having a corporate existence, under the name and style of the Trustees of Mount Carmel Academy.

Sec. 2. *Be it further enacted,* That the said Institution shall be governed by seven Trustees, who, and their successors, shall constitute a body politic and corporate, a majority of whom shall make a quorum for the transaction of business. The first Board shall consist of Samuel B. Lee, R. A. Blythe, Jesse W. Alexander, John C. Wylie, William Crutcher, Thomas A. Crow, and Edwin A. Reams; all vacancies that may occur in their body, shall be filled by the Board and entered upon the minutes. They may elect from their own body, a President, Secretary and Treasurer.

Sec. 3. *Be it further enacted,* That said Board shall have power to employ all necessary teachers and Lecturers, fix the rate of tuition, prescribe the course of study, make all necessary rules and regulations, hold real and personal estate by purchase, gift or devise, and sell or exchange the same, as the interest of the institution may require, to sue and be sued, and have a common seal, to confer, if they think proper, in conjunction with the teachers, such literary degrees and diplomas as are usual in academies, and have and enjoy all other powers, and privileges that are incident to corporations of this description,

inclusive of the power to make all necessary by-laws, and regulations, relative to said academy, not being inconsistent with the Constitution and the laws of the State of Tennessee and of the United States.

SEC. 4. *Be it further enacted*, That said Board shall have power to receive subscriptions of stock in said Institution, in such sums, and upon such terms as they shall, in their by-laws designate and prescribe, and the property and assets of the institution shall be governed by the Board, under such by-laws and regulations as they may from time to time establish.

SEC. 5. *Be it further enacted*, That in conveyance of real estate, or the transfer of claims or other assets, the name of the President of the Board shall be sufficient, by order of such Board in each case.

Incorporating
LaGuerrero High
School.

SEC. 6. *Be it further enacted*, That James H. Davis, F. B. Vaughan, Charles H. Vaughan, George F. Wood, James H. Vaughan, Turner Vaughan, citizens of the county of Wilson, be, and the same are hereby incorporated as a body politic and corporate, under the name and style of La Gurrelo High School, with all the powers and privileges conferred by this act in the Mt. Carmel Academy in the county of Williamson.

Incorporating
West Point Male
Academy.

SEC. 7. *Be it further enacted*, That Charles J. Herrin, James Welch, John L. Welch, Charles L. McLean, and D. H. True, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the West Point Male Academy, and by that name shall have perpetual succession, and a common seal, and the said Trustees and their successors, by the name aforesaid, shall be capable in law to purchase, receive, and hold to themselves and their successors forever, or for any less estate, any lands, tenements, goods or chattels, which shall be given, granted, or devised to them, or purchased by them for the use of said Academy, and said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or chancery of this State or elsewhere.

SEC. 8. *Be it further enacted*, That the said Trustees, and their successors, shall have power to hold a meeting whenever convened by the President, or any two of said Trustees, at any place, said President or Trustees may appoint; but not less than three members shall constitute a board, which board, or a majority of them, shall have power to fill all vacancies which may happen by death, resignation, removal or otherwise, to appoint a President and Secretary of said Board, and to transact all business of every description relating to the interest, government and

management of said Academy, in such manner as to them shall seem expedient and necessary, except in the disposal of real estate, in which case four of the acting Trustees shall be required to constitute a quorum.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 92.

AN ACT to amend the charter of Bethel College, and for other purposes.

WHEREAS, The West Tennessee Synod, of the Cumberland Presbyterian Church, at her session in October, 1852, did create and organize a Theological Department in connection with Bethel College, at McMoresville, and to be under the control of the same Board incorporated for the Literary Department, therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Board of Trustees of Bethel College, be, and they are hereby empowered to hold and control all funds which have been or may hereafter be given in any and all ways for the endowment of said Theological Department, the same not to exceed one hundred thousand dollars, and the same authority and privilege to be given to said Board and exercised by them as in case of the Literary Department of Bethel College.

SEC. 2. *Be it further enacted,* That should the Literary Department ever fail or cease to exist as a College, then the funds contributed for the Theological Department shall be controlled by the Synod's incorporate Board, by the direction of West Tennessee Synod, but always for the same purpose contemplated in the creation of said Theological Department, but in all events shall the above named funds be the property of West Tennessee Synod, bearing that name or holding the Synodical records, and for the above named purposes.

If it should cease to be a College.

SEC. 3. *Be it it further enacted,* That the Trustees of the Huntingdon Female Academy be, and they are hereby authorized and empowered to sell, or otherwise dispose of the Huntingdon Female Academy and its appurtenances, upon such terms and conditions as they may think best for

Huntingdon Female Academy may be sold.

the advantage and interest of said Academy, and make full and complete title in *fee simple* to the same, and dispose of the proceeds of the sale of the same, in purchasing other lots, building other academies or whatever else they may think best for the advancement of education in the town of Huntingdon, and they are further instructed and empowered to place the funds arising from the proceeds of the sales as aforesaid, in any other Female School or Academy that may be constructed in the town aforesaid.

Funds to be invested.

Athens Female College.

SEC. 4. *Be it further enacted*, That there shall be established in the town of Athens, Tennessee, an institution of learning for young ladies, and the same shall be known and designated by the style of the "Athens Female College."

Trustees.

SEC. 5. *Be it further enacted*, That John F. Slover, William M. Sehorn, R. M. Fisher, William H. Ballew, Alexander H. Keith, R. C. Jackson, Geo. W. Bridges, M. L. Phelps, T. Sullins, Thomas L. Hoyle, W. E. Halls, S. K. Reider, Willie Lowry, Andrew Hutsell, John L. Bridges, and Samuel P. Ivins, Trustees of said College, appointed and confirmed by the Holston Conference of the Methodist Episcopal Church South, are hereby constituted a body corporate and politic, in deed and in law, with perpetual succession, by the name and style of the "Athens Female College," by which name and style, they, the said Trustees, and their successors in office, shall be capable, in law and in equity, to take to themselves and their successors, for the use and benefit of said College, any estate in lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, will, devise or bequest of any person or persons, or bodies politic and corporate, and the same lands, tenements, hereditaments, goods, chattels, moneys, or other effects, to grant, bargain, sell, convey, devise, or place out at interest, or otherwise dispose of, for the use of said College, in such manner as they may deem most beneficial, and by the same name may sue and be sued, plead and be impleaded, in any court of law or equity, in all manner of suits or actions whatever; and by and in the same manner may do and transact all and every, the business touching and concerning the premises, not hereinafter provided for, as fully and effectually as any natural person or body corporate in this State, have power to manage their own concerns or business.

Shall be under control of Holston Conference.

SEC. 6. *Be it further enacted*, That said "Athens Female College," and Trustees herein named, and their successors in office shall be under the control and patronage of the Holston Conference of the Methodist Episcopal Church South, and that said Conference shall have power to ap-

point the President and Professors of said College, and the Board of Trustees shall confirm the same by ballot; and that all vacancies in the Board of Trustees, or in the faculty, shall be filled by said Conference, but if any vacancy shall occur before the annual meeting of said Conference, said Board of Trustees may fill such vacancy until the annual meeting of the next conference thereafter.

Shall appoint Professors.

SEC. 7. *Be it further enacted*, That no misnomer of said Corporation shall defeat any gift, grant or bequest to or from said Corporation, nor shall any misuser or non-user of the rights, liberties or privileges hereby granted to said Corporation, create or cause a forfeiture of the same, and the lands, lots and grounds belonging to said College buildings, together with the buildings, school fixtures and appurtenances of said Corporation shall be exempt from taxation for State or county purposes, and all and every taxation whatever.

Exempt from tax.

SEC. 8. *Be it further enacted*, That said Board of Trustees, by the recommendation of the Professors and Teachers of said College, shall grant to such students, as they may deem worthy of the same, all and every, the mark of distinction usual in other Colleges; and all and every literary degree or degrees, usual in any college or institution of learning in this State, that of graduate or other degrees, and full power is here given and granted to said Board of Trustees to make such needful rules and regulations in the conferring such honorary degrees and honors as they may think most advisable and most to the interest of said College, that the certificates, honorary cards and diplomas granted, shall be signed by the President of the College and Professors and Secretary of the Board of Trustees, with the seal of the Corporation affixed, and when so signed and sealed, shall have all the authority and rights, influence and respectability, which is secured by law, to the certificate, diploma, &c., of any other institution of learning in this State.

May grant degrees.

SEC. 9. *Be it further enacted*, That said Board of Trustees shall cause to be made for their use, one common seal, with such device and inscription as they may think proper to engrave thereon, under and by which, all deeds, diplomas, certificates, honorary cards and acts of said Corporation shall pass and be authenticated, and that a copy of this charter, granted by the Legislature of Tennessee, be copied on parchment, and filed in the archives of said College, with the signatures of the Board of Trustees thereon.

May have a seal.

SEC. 10. *Be it further enacted*, That the lot of ground and buildings thereon, belonging to the Flat Creek Male Academy, in the county of Bedford, and now used as a

Flat Creek Male Academy.

school house, be, and the same are hereby exempted from public taxes as long as the same may be used for the purposes of a school.

SEC. 11. *Be it further enacted*, That section second of an act passed February 16, 1854, entitled "An act to charter the Odd Fellows' Female High School, at Jonesboro', and for other purposes," be so amended as to strike out the words "High School," and insert the word "College" in lieu thereof.

Female College
at Jonesboro'.

DANIEL S. DONELSON,
Speaker of the House of Representatives
JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 93.

AN ACT to change the time of holding the Chancery Court at Shelbyville, in the county of Bedford; to change the time of holding the Circuit Court in the ninth Judicial Circuit; to establish a Chancery Court at Ashland, in the county of Cheatham; to establish a Chancery Court at the town of Crossville; to change the time of holding the Chancery Court in the town of Centreville, in the county of Hickman; and to change the time of holding the Chancery Court at Bolivar.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the Chancery Court at Shelbyville shall be holden on the Mondays after the fourth Monday in February and August in each year.

Ninth Circuit.

SEC. 2. *Be it further enacted*, That so much of an act passed January 25, 1858, as fixes the time of holding the Circuit Court in the ninth Judicial Circuit be, and the same is hereby repealed; and from and after the passage of this act, the Circuit Court shall commence and be holden in the county of Carroll on the first Monday of January, fourth Monday of April, and fourth Monday of August; in the county of Benton, on the second Monday of January, second Monday of May, and second Monday of September; in the county of Henry, on the third Monday of January, third Monday of May and third Monday of September; in the county of Weakley, on the second Monday of February, the second Monday of June, and second Monday of October; and in the county of Humphreys, on the first Monday of March, first Monday of July and first Monday of November; and all process hereafter issuing from any of said courts shall conform hereto.

SEC. 3. *Be it further enacted*, That the county of Cheatham is declared to be a Chancery district, and a Chancery Court shall be held for said district in the town of Ashland. The judge of the Circuit Court of the 7th Judicial Circuit, or any Judge specially appointed, or by interchange with the Judge of the 7th circuit, shall hold said Court, and exercise all the powers and jurisdiction exercised by the several Chancellors in this State: The said Court shall be held at the same time with the Circuit Court, and the business of the two Courts shall be disposed of in the order which said Judge in his discretion may direct. The clerk of the Circuit Court of said county shall be Clerk and Master of said Chancery Court, and shall execute the bonds required by law of the several clerks and masters of the chancery courts in this State.

Cheatham county
a Chancery district.

SEC. 4. *Be it further enacted*, That the county of Cumberland shall constitute a separate chancery district, and that the courts of the same shall be held by the Chancellor of the fifth chancery division of the State of Tennessee, at the court house in the town of Crossville, in the county of Cumberland, on Friday after the third Monday of March and September in each and every year; that it shall be the duty of said Chancellor to appoint a clerk and master of said county, who shall give bond and security, and shall be subject to all the duties and liabilities now by law imposed on said office; that it shall be lawful for the Chancellor, upon application of complainants, and with the consent of defendants, to order that the causes now pending in the chancery courts at Washington, Pikeville, Sparta, Jamestown, and Montgomery, Tennessee, which originated in the said county of Cumberland, be transferred to the Chancery Court hereafter to be held in the town of Crossville; that upon any order of transfer being made, as provided for in this act, it shall be the duty of the clerks and masters of the chancery courts at Washington, Pikeville, Sparta, Jamestown and Montgomery, within forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all rules in relation to the same, either upon the record books of said courts or upon the rule docket, and transmit the same, together with the original papers, to the Clerk and Master of the court at Crossville, and the Clerk and Master shall receive the usual fees, to be taxed in the bill of costs.

Cumberland
county a Chancery
district.

SEC. 5. *Be it further enacted*, That hereafter the Chancery Court at Centreville, in the county of Hickman, in this State, shall be held on the fourth Monday in April and the first Monday in November, in each and every year.

Chancery Court
at Centreville.

Chancery Court
at Bolivar, at
Somerville, at
Covington, at
Ripley.

SEC. 6. *Be it further enacted*, That hereafter the Chancery Court at Bolivar, for the county of Hardeman, shall be held on the second Mondays in May and November of each year; and the Chancery Court at Somerville, in the county of Fayette, shall be held on the third Monday in May and November of each year; and that the Chancery Court at Covington, for the county of Tipton, shall be held on the fourth Mondays of May and November of each year; and at Ripley, for the county of Lauderdale, on the first Thursdays after the fourth Mondays in May and November of each year.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 94.

AN ACT to incorporate the Thompson and Bethesda Turnpike Company, and to incorporate the Franklin and Triune Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders, in the way and manner hereinafter mentioned, shall be, and they are hereby constituted a body corporate, by the name and style of the "Thompson and Bethesda Turnpike Company," and, by that name, may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, and shall have perpetual succession.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be not exceeding fifty thousand dollars, said capital stock to be divided into shares of twenty-five dollars each.

Amount of stock.

SEC. 3. *Be it further enacted*, That the following persons shall be Commissioners, for the purpose of opening books for subscription of stock in said Company, to wit: Elijah Thompson, Samuel A. Painter, James McLaughlin, Alexander Steele, Matthew Irvine, and Moses Steele, at Thompson and Bethesda, in the county of Williamson. Any two of said persons shall be competent to open books

Commissioners.

at either of said places; said Commissioners, or a majority of them, shall give ten days' notice of the time of opening said books, and, so soon as four thousand dollars of stock shall be subscribed, they shall call a meeting of the stockholders, by giving ten days' notice in some newspaper published in the vicinity of the road, which meeting shall be at Thompson; and at said meeting, said stockholders, or a majority of them, being present in person or by proxy, shall elect seven Directors, who shall be stockholders. Said Directors shall choose one of their body President, and said President and Directors shall continue in office for one year, and until their successors are elected and qualified, which shall be done at the end of each year from the time of the first election, of which twenty days' notice shall be given in some newspaper published in the vicinity of the road. Said President, Directors and stockholders of said Company, shall have and enjoy all the rights, powers, and privileges, subject to the same conditions, limitations and restrictions, and perform the same duties granted to and imposed upon the President, Directors and stockholders of the Franklin and Lewisburg Turnpike Company, by the original charter, and the amendments thereto of that Company, except so far as the provisions of this act and the laws of the State may come in conflict with the same.

President and Directors.

Time of election.

SEC. 4. *Be it further enacted*, That immediately after the first election of Directors, they, or a majority of them, or such person or persons as they may appoint, shall proceed to designate and mark out the route for the Company's Turnpike road from Thompson to Bethesda.

SEC. 5. *Be it further enacted*, That said road shall be of the description required for the road of the Franklin and Lewisburg Turnpike Company by its charter.

Kind of road.

SEC. 6. *Be it further enacted*, That whenever said road shall be completed, said Company may erect thereon two toll-gates, neither of which shall be nearer to Thompson or Bethesda, than one mile; and said Company shall be entitled to the same rates of toll, as said Franklin and Lewisburg Turnpike Company.

May erect toll-gates.

SEC. 7. *Be it further enacted*, That said Company shall begin said road on or before the 25th of December, 1859, and finish the same within six years after the passage of this act, or this charter shall be forfeited.

When to complete road.

SEC. 8. *Be it further enacted*, That all persons who shall become stockholders in the way and manner herein-after mentioned, shall be and they are hereby constituted a body corporate, by the name and style of the Franklin and Triune Turnpike Company, and by that name may sue

Franklin and Triune Turnpike.

and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers, appertaining to bodies politic and corporate by law, and shall have perpetual succession.

Stock.

SEC. 9. *Be it further enacted*, That the capital stock of said Company shall be thirty thousand dollars, with the privilege of increasing it to fifty thousand dollars, if it should be necessary to the completion of the road. Said capital stock to be divided into shares of twenty-five dollars each.

Commissioners.

SEC. 10. *Be it further enacted*, That the following persons shall be commissioners, for the purpose of opening books for the subscription of stock in said Company, to wit: Samuel M. Copeland, John McPherson, John Starnes, Ferdinand Stith, Allen T. Nolen, James Caruthers, Wm. Matthews, Hubbard S. Ewing, C. H. Hines, Daniel B. Cliffe, Loving H. Waldrige and Samuel Perkins, at Franklin and Triune, in Williamson county. Any three of said Commissioners shall be competent to open books, at either of said places. Said Commissioners, or a majority of them, shall give ten days' notice of the time of opening said books, and, so soon as five thousand dollars of said stock shall be subscribed, they shall call a meeting of the stockholders, by giving ten days' notice in some public newspaper published in the vicinity of the road, which meeting shall be at Arrington, and at said meeting, said stockholders, or a majority of them, being present or by proxy, shall elect seven Directors, who shall be stockholders. Said Directors shall choose one of their body President, and said President and Directors shall continue in office for one year, and until their successors shall be elected and qualified, which shall be done at the end of each year from the time of the first election, of which twenty days' notice shall be given in some newspaper published in the vicinity of the road. Said President, Directors, and stockholders of said Company shall have and enjoy all the rights, powers and privileges, subject to the same conditions, limitations and restrictions, and perform the same duties granted and imposed upon the President, Directors and stockholders of the Franklin and Lewisburg Turnpike Company, by the original charter and the amendments thereto of that Company, except so far as the provisions of this act and the laws of the State may come into conflict with the same.

SEC. 11. *Be it further enacted*, That immediately after the first election of Directors, they, or a majority of them, or such person or persons as they may appoint, shall proceed to designate and mark out the route for the Com-

pany's Turnpike road from Franklin to the Nashville and Nolensville Turnpike road at or near Triune.

SEC. 12. *Be it further enacted*, That said road be of the description required for the road of the Franklin and Lewisburg Turnpike road Company by its charter.

SEC. 13. *Be it further enacted*, That whenever said road shall be completed for five miles from either terminus of said road, a toll-gate may be erected thereon, and when the whole road shall be completed a third toll-gate may be erected thereon. The gate next to Franklin shall not be nearer than two miles to the court house, in that town, and the gate at the other end of the road shall not be nearer to the Nashville and Nolensville Turnpike road than one and one-half miles. The third gate shall be erected at or near the central point between the other two gates. Said Company shall be entitled to the same rates of toll, as said Franklin and Lewisburg Turnpike Company. Toll gate.
Rate of toll.

SEC. 14. *Be it further enacted*, That said Company shall begin the construction of said road on or before the 25th day of December, 1859, and shall finish the same within six years after the passage of this act, or this charter shall be forfeited. Road shall be completed.

SEC. 15. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 95.

AN ACT to incorporate Spring Hill Academy, in the County of White, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas E. Hutton, Joseph W. Clark, Pleasant A. Gleeson, John Swindle, and Joseph W. Roberts, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Spring Hill Academy, located in the county of White. The said Trustees shall have succession for the term of ninety-nine years, and shall have power to fill vacancies which may occur, by death, resignation or removal. Trustees.

SEC. 2. *Be it further enacted*, That said Trustees, and their successors in office, shall be capable in law to purchase, receive and hold to themselves and their successors forever, any lands, tenements, goods or chattels, which shall be given, granted, or devised to them for the use of said Academy, and to use and dispose of the same in such manner as to them shall seem most advantageous to said Academy. The said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law in this State or elsewhere.

May expel students.

SEC. 3. *Be it further enacted*, That said Trustees shall have power to hold meetings at such times and places as they may think proper; also to elect their President, Secretary and Treasurer, and they alone shall have power to expel disorderly students, and also the selection of Teachers. A majority of said Trustees shall be a quorum to do business and manage the interests of said Academy.

Flat Creek Male Academy.

SEC. 4. *Be it further enacted*, That D. D. Hix, A. Reagor, J. Y. Norman, J. B. Williams, James T. Snoddy, Thomas Hutson, Joshua Coleman, A. Philpot, Dr. C. A. Crunk, Lorinia Haslett, J. W. Crunk, Dr. J. W. Gordon, R. B. Tome, J. M. Hix, B. Stephens, W. C. Hix, Rev. Isaac Shook, Col. E. Bobo, J. H. Blanton, Dr. J. J. Crunk, M. W. Watson, J. H. Halt, W. C. Crunk, B. Boone, James Farrer, Jordan Hole, James Reagor, S. Bobo, Wm. M. Hutson, K. Pearson, J. M. Woorley, D. H. Rozier, W. W. Crawford, A. Floyd, J. T. Madeiras, W. T. Evans, E. Floyd, P. H. Tribble, Rev. T. P. Wells, C. M. Pearson, Moses Reaves, Jos. Hastings, B. Philpot, W. Bearden, L. Broadaway, J. L. Couch, G. A. Redjor, D. A. Floyd, T. S. Wood, W. S. Hix, J. B. Morris, R. H. Terry, A. Campbell, P. L. Dean, Watson Floyd, G. M. Ray, and their successors, be and they are hereby constituted a body politic and corporate, for the term of ninety-nine years, by the name and style of the Flat Creek Male Academy, and shall have power to establish an institution of learning to be located in the county of Bedford, on Flat creek, near what is known as Crunk's Store.

Shall be a stock Company.

SEC. 5. *Be it further enacted*, That said institution shall be a joint stock Company, the stock therein to be divided into shares of such amount as a majority of the subscribers may determine, and that the same shall be governed by five Trustees, who shall be elected by the stockholders out of their number, on the first Saturday of July of each year, who shall hold their offices for one year, and until their successors are elected, a majority of whom shall constitute a quorum for the transaction of business. All vacancies that may occur in their body may be filled by the

Board; the stockholders in said institution may in all elections vote in person or by proxy—each share of stock representing one vote. Number of votes.

SEC. 6. *Be it further enacted*, That said Board of Trustees, under their corporate name aforesaid, may receive subscriptions of stock, may sue and be sued, plead and be impleaded, have and use a common seal, and may hold real and personal estate, by purchase or otherwise, and may sell and convey the same, and shall have power to employ all necessary teachers and lecturers, and other employees they may deem necessary, and confer such degrees and diplomas as are usual in Male Academies; they shall also have and enjoy all such privileges and immunities as appertain to similar institutions, including the power to make such by-laws and regulations for the government of said Institution as they may deem necessary, as are not inconsistent with the Constitution and laws of this State, or of the United States.

SEC. 7. *Be it further enacted*, That said Board of Trustees, from out of their number, shall elect a President, Secretary and Treasurer, and shall keep a record of all their proceedings, and shall annually pay to the stockholders in said Institution, such dividends as may have accrued on their respective shares of stock.

SEC. 8. *Be it further enacted*, That the first Board of Trustees shall be the following: R. H. Terry, A. Campbell, P. S. Dean, Watson Floyd and G. M. Ray, who shall hold their offices until the first election, as hereinbefore provided. Trustees.

SEC. 9. *Be it further enacted*, That the stockholders in said Institution may sell and transfer their stock, by written assignment. May transfer stock.

SEC. 10. *Be it further enacted*, That Lewis Patterson, J. P. Coulter, Thomas J. Coulter, A. A. Pearson, J. W. Grimsley, John H. Shipley, Jesse Shipley, John Gray, Col. Wm. Clift, B. J. McDonald, and Nathan Shipley, and their successors, be, and they are hereby constituted a chartered incorporation, under the corporate name of the Sale Creek Academy, in Hamilton county, with all the powers and privileges granted to the Sale Creek Academy.

SEC. 11. *Be it further enacted*, That Agnes Matthews, Julia Pitts, Rebecca Sublett, Martha Whorton, Harriet Edmonson, Sally Thompson, Mary Bird, Mary Duffer, Laura Vaughn, Nannie Hamilton, Nannie Yarborough, Cecilia Anthony, Sallie Smith, Genevieve Smith, Mary M. Hicks, Maggie White, Sarah Naomi Northcutt, their associates and successors, be, and they are hereby The Athenaeum Society of Boone College.

constituted a body politic and corporate, by the name of the Athenæan Society of Soule Female College, Murfreesboro', Tennessee, for the purpose of diffusing moral and intellectual improvement, and of cultivating a correct literary taste among its members, with full power and authority to form and adopt such a constitution and by-laws as they may think proper for its government: *Provided*, the same do not conflict with the Constitution of the State of Tennessee, or the Constitution of the United States.

SEC. 12. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded, in any of the courts of law or equity in the State of Tennessee, make contracts, buy, hold and sell property, real and personal, to the amount of fifteen thousand dollars, and may exercise all the powers belonging to corporate bodies for the purpose of promoting useful knowledge.

SEC. 13. *Be it further enacted*, That the present Trustees of the Female Seminary established in the town of Spring Hill, in the county of Maury, and their successors in office, be, and they are hereby constituted a body corporate and politic, under the name and style of the Trustees of the Spring Hill Female Seminary, with all the rights, privileges, and immunities, conferred upon the Trustees of McCain's Academy, in the county of Maury, by an act passed the present session of the General Assembly, incorporating said Trustees of McCain's Academy.

SEC. 14. *Be it further enacted*, That R. A. Ferguson, J. T. McCullough, A. H. McCullough, J. B. Boyd, S. T. Foute, and those associated with them, and their successors, of Blount county, be, and they are hereby incorporated and made a body politic, by the name and style of the Philomæthean Society of Ewing and Jefferson College, for the purpose of mutual improvement in the arts and sciences, with full power and authority to form and adopt such constitution and by-laws as may be thought proper for its government, should the same not be inconsistent with the Constitution or laws of the State of Tennessee.

SEC. 15. *Be it further enacted*, That the persons hereby incorporated, may use a common seal, may sue and be sued, in all courts whatsoever, and may hold real, personal and mixed property, not exceeding five thousand dollars in value, and may exercise all powers belonging to corporate bodies for the purpose of promoting useful knowledge.

SEC. 16. *Be it further enacted*, That the present Trustees, and their successors, of Cumberland University, at Lebanon, be a body politic and corporate, by the name and

Spring Hill Female Academy.

Philomæthean Society of Ewing and Jefferson College.

Cumberland University.

style of the Trustees of the Cumberland University, and by that name it shall have succession, sue and be sued, contract and be contracted with, hold property, both real and personal, whether situated in this or any other State, territory, or country, receive and make titles to the same, and do all other acts and things incident to such corporations, by the general laws relating to bodies corporate. Donations or conveyances, by deed or will, shall be held good, whether the corporate name is correctly used or not, *Provided*, enough appears to make it certain that the Institution was intended, no matter what words of description may be adopted.

SEC. 18. *Be it further enacted*, That so soon as the present number of Trustees is reduced to nine, by deaths or resignations, that number shall constitute the Board, any five of whom shall be a quorum for the transaction of business. The Board shall elect, out of its own body, a President, Secretary, and one or more Treasurers. It may also appoint or remove at pleasure, a President of the Institution, and as many Professors as may be necessary, who shall constitute the Faculty, and also such tutors and teachers as may be needed, and assign to all, their respective duties, and fix and provide for the payment of their salaries. It may likewise appoint such agents and servants as may be considered necessary. The Board and Faculty, by their joint action, shall have the authority to confer all such literary and honorary degrees of distinction as are usually conferred by other Universities in the United States. The Board shall have power to adopt such by-laws as may be deemed necessary for the government of the Institution, and change the same at pleasure. The members of the Faculty may be present at the meetings of the Board, and participate in its deliberations and discussions, but shall not be allowed to vote.

May appoint or
remove the
Faculty.

SEC. 19. *Be it further enacted*, That all vacancies in the Board of Trustees shall be filled by resolution, to be entered upon the minutes, but all such appointments shall be submitted by report to the next ensuing session of the General Assembly of the Cumberland Presbyterian Church for confirmation or rejection.

SEC. 20. *Be it further enacted*, That the Board may take such measures as they may deem most effectual for the ample endowment of the University, or any of its departments. That such endowment fund shall be under the control and management of the Board, for the interest of the Institution, but the principal of which shall not be diminished, but only the interest or income of such investments as may be made. In making investments the

directions of the donors shall be complied with, when any such are expressed.

Professorships
may be endowed.

SEC. 21. *Be it further enacted*, That any person or persons, corporation, or church judicatory, may establish professorships of any kind, in said Institution, with the consent and approbation of the Trustees and Faculty by endowing the same.

May establish de-
partments of
Law, Medicine,
&c.

SEC. 22. *Be it further enacted*, That the Trustees may, at any time, establish departments of Theology, Law, Medicine or Agriculture, in the University, and adopt measures for the endowment of the same, separately from the general endowment of the Institution, and any property or money given for such purpose, shall be confined by the Trustees, strictly and singly to that object, according to the wishes of the donors. Professors in such departments shall be appointed by the Board, with such compensation as may be agreed upon.

Preparatory
department.

May confer spe-
cial diplomas.

SEC. 23. *Be it further enacted*, That the Trustees and Faculty, by joint action, shall prescribe the course of study for the Preparatory Department, and the College proper, which shall be as thorough as any other first class institution in the United States. The course prescribed must be taken before diplomas can be confirmed. They may also establish a separate scientific course for such as do not choose to take the regular collegiate course, and confer special diplomas on such as may pass through the same with approbation.

Theological
department.

SEC. 24. *Be it further enacted*, That the Theological Faculty shall consist of the President of the University, and the Professors in that department, and the Law Faculty, of the President and the Professors of Law; and so of any other department that may be established.

Endowment
fund.

SEC. 25. *Be it further enacted*, That the money and property, constituting the general endowment fund, or that of any particular department or professorship, shall never be diverted from the object for which it was given or raised, to any other purpose, without the consent of the donor. But in the event that any such professorship or department should be discontinued, or fail to exist, the Trustees shall have the power to determine what other application shall be made of such funds, raised or given for its endowment, for the interests of the institution.

Property of
Campbell Acade-
my may be trans-
ferred.

SEC. 26. *Be it further enacted*, That the Trustees of Campbell Academy, at Lebanon, are authorized, if they should think proper, to transfer to the Trustees of Cumberland University, all the property under their control, for the use of the Preparatory Department of the University; and in that event, one-half of the annual fund given

by the State for the use of county academies, including arrearages, if any, shall be paid to the Trustees for the use of that department, and the other half to the Trustees of the Abbe Institute, which is the Female Branch of Campbell Academy.

SEC. 27. *Be it further enacted*, That L. L. Hawkins, B. M. Gaines, T. S. Prince, E. W. Townes, J. M. L. Banker, and their successors, be, and they are hereby incorporated a body politic, under the name and style of the Huntingdon Lyceum, and by that incorporate name may have the power to sue and be sued, plead and be impleaded, have and hold real and personal estate, and all other property necessary for the promotion of education, science and morals, and particularly for the improvement of elocution, and the polemic exercises; and they may assess fines and collect the same, and have all the rights, powers and privileges usually granted to societies of a literary and scientific character.

SEC. 28. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 2, 1858.

CHAPTER 96.

AN AOT to amend the act passed January 17th, 1850, entitled, "An act to incorporate the Franklin and Carter's Creek Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 6th section of the act passed January 17th, 1850, entitled an act to incorporate the Franklin and Carter's Creek Turnpike Company, and for other purposes, be amended, so that said Turnpike Company shall not be compelled to keep in repair a summer road, thirteen feet in width, by the side of said Turnpike road, as provided in their charter, and that said Company shall not be subject to any fines, forfeitures or penalties, for failing to keep in repair said summer road.

SEC. 2. *Be it further enacted*, That the act of 1856, incorporating the Nashville and Rowena Coal Company, be and the same is hereby amended, so as to substitute W. Hy. Smith, Allen A. Hall, John B. McFerrin, in place of

Nashville and
Rowena Coal
Company.

A. R. McKee, A. J. McWhirter and John D. Winston, as Commissioners of said Company.

SEC. 3. *Be it further enacted*, That the proviso to the 3d section, be and the same is hereby repealed.

SEC. 4. *Be it further enacted*, That the title of said Company be, and the same is hereby so amended, as to read, the Nashville and Rowena Coal and Lumber Company.

Branch Turn-
pike.

SEC. 5. *Be it further enacted*, That John A. Moore, John P. Stiles, John E. Bennett and William H. Wisener, be appointed Commissioners, to open books for the subscription of stock in a Turnpike road, to run from the east boundary of the town of Shelbyville, along the railroad, to or near the point where the Manchester road now crosses the railroad, and thence either along the railroad or the Manchester road, as a majority—in number and value—living east of said crossing may determine. Said Turnpike to be known, and exist by the name of the "Branch Turnpike Company."

Shares of Stock.

SEC. 6. *Be it further enacted*, That said Commissioners, or a majority of them, or any one of them, may receive stock in shares of twenty-five dollars each, either in money or work; the work to be taken in shares, or so much of the road to be built by any stockholder, as he may agree to build, and when constructed, to be valued. If the Company and stockholder cannot agree upon the value, by two persons, one selected by the President of the Company and one by the stockholder—and if they cannot agree, they are to select a third, whose award is to be final, and the value fixed by them is to be so much stock in the road of the stockholder doing the work.

Toll gates.

Rate of toll.

SEC. 7. *Be it further enacted*, That said road shall be constructed substantially, as the road from Shelbyville to Lewisburg, and when three miles of said road shall be finished, the Company may erect a gate and receive toll for eight months in the year; and when four miles are finished, then for ten months in the year; and when five miles are finished, then for the whole year; and the Company may agree with those who reside between the gate and the corporate limits for their travel upon such terms as may seem reasonable.

Election of
Directors.

SEC. 8. *Be it further enacted*, That so soon as stock and work sufficient, in the opinion of the Commissioners, to build three miles of the road is subscribed, an election shall be held for five Directors of said Company, one of whom shall be chosen by the others, President, each of whom shall be a stockholder; that in said election, each share of stock shall be entitled to one vote, and when any

person has taken so much of the road to build, the number of votes he shall be entitled to.

SEC. 9. *Be it further enacted*, That in all things not herein otherwise ordered, the "Branch Turnpike Company" as to itself, to third persons, parties or corporations, shall have all the rights, privileges and exemptions, and be subject to all the liabilities of the Nashville, Murfreesboro' and Shelbyville Turnpike Company. Rights &c.

SEC. 10. *Be it further enacted*, That A. L. Landis, R. P. Sutliff, James M. Johnson, R. L. Londers, Mike Shafner, William Jenkins, George W. Heard, Samuel Whelson, Martin Enliss, Jacob Harrison, James Mullins, Laton Shafner, James H. Bonner, William Gosling, Robert Correw, Robert Matthews, Charles A. Warren, John A. Moore and Thomas C. Whitesides, be, and they are hereby appointed a Board of Commissioners, to open books at such times and places as they may determine, for the subscription in the capital stock of a Company, to build a Turnpike McAdamized road, from the town of Shelbyville to the town of Rowesville—both in Bedford county. The capital stock in said Company shall consist of not more than fifty thousand dollars, nor less than ten thousand dollars, in shares of fifty dollars each. Commissioners of
Shelbyville and
Rowesville
Turnpike.

SEC. 11. *Be it further enacted*, That when the amount of ten thousand dollars shall be subscribed to the capital stock of said Company, the subscribers shall be a body corporate and politic, by the name and style of Shelbyville and Rowesville Turnpike Company; and by such name may sue and be sued, plead and be impleaded, have and use a common seal, which they may change at pleasure; have succession for a term of ninety-nine years, and do all other acts necessary and proper in such incorporations, not in conflict with the constitution and laws of this State, or of the United States.

SEC. 12. *Be it further enacted*, That said Company shall have ten years in which to commence and complete said road. Ten years to com-
plete road.

SEC. 13. *Be it further enacted*, That when said Company shall complete their road from Shelbyville to Rowesville, they may erect two toll-gates, provided they are not located nearer than one mile of either of said towns. May erect toll
gates.

SEC. 14. *Be it further enacted*, That said Company be invested with all the rights, and privileges, and immunities, and be subject to all the liabilities that are given to and imposed upon the Shelbyville and Fayetteville Turnpike Company, by act passed 1853 and '54, and acts amendatory thereto, so far as they are not changed by this act.

SEC. 15. *Be it further enacted*, That P. Peacher, John

Trice's Landing
Turnpike.

A. Elliott, The. Cobb, Thomas Rawlings, N. F. Johnston, of the county of Montgomery, be and they are hereby appointed Commissioners to open books and receive subscriptions to construct a Turnpike road from Peacher's Mills to Trice's Landing, and from Peacher's Mills to that point where the line crosses the Trenton road, in Kentucky, who shall, together with those with whom they may become associated, as stockholders in said road, be known by the name of Peacher's Mills, New Providence and Trenton Turnpike Company, and shall possess all the immunities and privileges, and be subject to all the liabilities and restrictions, as are enjoyed by the Shelbyville and Fayetteville Turnpike Company, in an act to amend the several acts chartering the Shelbyville and Fayetteville Turnpike Company, and compiling the same into one act, chapter 259, passed 31st January, 1854, so far as the same may be applicable to the above mentioned Turnpike road.

SEC. 16. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 97.

AN ACT to incorporate the Ripley Female Institute, the Lauderdale Female Institute, the Durhamville Male Academy, the Beech Grove Academy, and to amend the charter of the Jasper Female Institute.

WHEREAS, Hiram Partee, H. H. Richardson, Joseph Wardlow, Thomas Fitzpatrick, Henry Pillow, M. F. Lake, P. T. Glass, James A. Lackey, R. H. Oldham and others, in the year , formed themselves into a Joint Stock Association, for the permanent establishment of an institution of learning, in or near the town of Ripley, in the county of Lauderdale, and at the term of the Circuit Court, in and for said county of Lauderdale, obtained a charter for said association, under the name and style of the Board of President and Trustees of the Ripley Female Institute, under the provisions of an act of the General Assembly of the State of Tennessee, passed on the 4th day of February, 1850, entitled "an act to promote popular education, by the formation of societies and institutions of learning." *And whereas*, doubts have arisen as to the constitutionality of

said act, and the consequent legality of said charter, and the proceedings of said association :

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That the charter obtained by the said association, be and the same is hereby confirmed, with the amendments and alterations, and in the words and figures following, to wit: That Hiram Partee, H. H. Richardson, Joseph Wardlow, Thomas Fitzpatrick, Henry Pillow, M. F. Lake, P. T. Glass, James A. Lackey, R. H. Oldham and such others as have heretofore or shall hereafter, subscribe for stock in said institution, are hereby incorporated under the name and style of the Board of President and Trustees of the Ripley Female Institution, and may by that name sue and be sued, own, hold and possess, any and all kinds of property, use and dispose of the same for the benefit of said Institution, may secure endowments or bequests, and possess all the rights of an incorporated body.

SEC. 2. The stockholders in said Institute, shall here-
after hold an election on the first Saturday in July, of every year, for nine Trustees, who shall be duly qualified on oath, before some duly commissioned justice of the peace, faithfully to discharge the duties hereinafter specified, and the Trustees so elected shall elect one of their number President, they shall also elect a Secretary and Treasurer, all of which said officers shall hold their offices for twelve months, and until their successors are elected and qualified; and it shall not be lawful for more than two persons of the same Christian denomination to belong to the same Board of President and Trustees.

Time of election.

Who may be Trustees.

SEC. 3. If at any time the stockholders shall fail to elect Trustees at the time prescribed in this charter, then the President or any three stockholders may, on advertising in some public manner for twenty days consecutively, hold an election for Trustees, and said Trustees so elected shall be qualified, as provided in the foregoing section, before entering upon the discharge of their duties.

SEC. 4. In election for Trustees, each share of twenty-five dollars shall entitle the holder or holders to one vote.

Number of votes.

SEC. 5. The stock of this corporation may be transferred, and all transfers shall be entered in a book, to be kept by the Trustees, for that purpose: *Provided*, that no person shall own more than one-sixth of the capital stock of said corporation.

Stock may be transferred.

SEC. 6. This corporation may exist, and have succession for ninety-nine years, and the capital stock may amount to fifty thousand dollars.

SEC. 7. The President and Trustees shall keep a record

Shall, keep
record.

of all their proceedings, and five members of the Board may constitute a quorum, to transact business.

May confer
degrees.

SEC. 8. The President and Trustees shall have power to purchase suitable grounds, on which to build said Institute, and contract for the building of the same; and sue for and recover, by action of debt, before any court of justice having jurisdiction, any and all sums subscribed for the building of said Institute; and when it shall have been completed and received, they shall have the power to employ all necessary teachers and lecturers, prescribe a curriculum of studies, make all necessary rules and regulations, confer, if they think fit, with the teachers, such literary degrees and diplomas, as are usual in Female Academies, and make any other regulations not inconsistent with the laws of this State or the United States, and pass all such by-laws for their own government, in their proceedings, as they may think proper: *Provided*, the same shall not be inconsistent with the terms of this charter.

President shall
sign transfer.

SEC. 9. In the conveyance of real or personal property, transfer of claims, or other assets, the name of the President of the Board of Trustees, in his own handwriting, with the "by order of the Board" written underneath, shall be sufficient in each case.

SEC. 10. In case of the death, removal or resignation, of either the President or one or more of the Board of Trustees, his or their place or places shall be filled by the election of one or more of the stockholders, by the remaining members of the Board.

President to give
casting vote.

SEC. 11. In all cases wherein the Trustees are equally divided, in voting on any given subject, the President may give the casting vote.

May vote by
proxy

SEC. 12. At any meeting of the stockholders, any absentee may cast his or her vote, or votes, by proxy: *Provided*, the said proxy exhibit to the meeting a written request from this absent stockholder, that the said proxy should cast his or her vote or votes.

Lauderdale Fe-
male Institute.

SEC. 13. *Be it further enacted*, That all and every person or persons, or their personal representatives, who are, or shall hereafter become members of an association, formed in or near the town of Durhamville, Lauderdale county, for the purpose of establishing a Female Institute, and their assigns, are hereby constituted a body politic and corporate, by the name of the Lauderdale Female Institute, and by that name shall have perpetual succession, and a common seal, and be capable of suing and being sued, and be able to purchase, receive and hold, forever any life estate, and lands, tenements, goods and chattels,

which may be given, granted, or devised thereto, or purchased thereby, for the use of the institution, and to use and dispose of the same as shall be deemed by them (President and Trustees thereof,) most advantageous for female education, or for the stockholders, and also to ordain, establish and put in execution, such by-laws, rules and regulations, as shall appear necessary and proper to the President and Trustees, for transacting the business and affairs of said Institution, in conducting and governing the same, as an institution for the education of Females.

SEC. 14. *Be it enacted*, That the following shall constitute the principle upon which said Institution is founded, and the rules for its organization and government:

Articles of Association for Lauderdale Institute.

ARTICLE. 1. The capital stock of this association shall not be less than three thousand dollars, and may amount to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; the President and Secretary of the Board of Trustees, or any other person or persons, acting under orders and appointment of said Board, shall issue to each subscriber a certificate of the amount of stock taken by him. Capital.

ART. 2. The said Institution shall be governed by eleven Trustees, who shall in future be elected on the first Saturday in July, annually, by the stockholders of said association, and a majority of whom may make a quorum. The first Board of Trustees, consisting of R. W. Green, Edmund Fitzpatrick, D. M. Henning, T. A. Raynor, J. C. Coggeshall, James Oldham, Joseph H. Borum, J. L. Taylor, H. H. Richardson, John M. Nixon and Thomas M. Scott, elected by the first meeting of the stockholders, shall hold their office until the first Saturday of July, 1858, and until their successors are elected. Any member of the Board may be expelled for improper conduct, by vote of a majority of the Board. All vacancies that may occur by death, removal, resignation or otherwise, shall be filled by the Board, and the election of such Trustees shall be placed upon the Minutes of said Board. The said Board shall elect from their body, a President, Secretary and Treasurer, who shall hold their offices for twelve months, or until their successors shall be elected and qualified; the Secretary shall faithfully record the proceedings of the Board, and the Treasurer shall be required to give bond and security for the proper application of the funds, or other property coming into his possession, of said Association. There shall not be more than four persons of the same Christian denomination, in any Board of Trustees. Time of election.
Trustees.

Who may vote.

ART. 3. In elections for Trustees each share of twenty-five dollars shall entitle the holders or holder to one vote. If at any time the stockholders shall fail to elect Trustees, at the time prescribed by these articles of association, then the President or any three Trustees, may, after advertising for twenty days in some public manner, hold an election for Trustees of said Institute, and those receiving a majority of the votes cast, shall serve as Trustees for the time heretofore prescribed.

Stock may be transferred.

ART. 4. The stock of their corporation may be transferred, and all transfers shall be entered in a book, to be kept by the Trustees for that purpose: *Provided*, that no person shall own more than one-sixth part of the capital stock of said corporation.

May confer degrees.

ART. 5. The President and Trustees shall have the power to purchase suitable grounds, on which to build said Institute, and contract for the building of the same, and when it shall have been completed and received, they shall have the power to employ all necessary Teachers and Lecturers, prescribe a course of studies, make all necessary rules and regulations, confer, if they think it advisable, in connection with the Teachers, such literary degrees and diplomas as are usual in female academies, colleges or institutions of similar character, and make any other regulations, not inconsistent with the laws of this State or the United States, and pass all such by-laws for their own government, in their proceedings, as they may think proper: *Provided*, the same are not inconsistent with the terms of the articles of this Association.

President shall sign transfer.

ART. 6. In the conveyance of real or personal property, transfer of claims or other assets, the name of the President of the Board of Trustees, in his own handwriting, with the words, "by order of the Board," written underneath, and countersigned by the Secretary, shall be sufficient in each case.

ART. 7. The Trustees shall have power to call meetings of the stockholders, at such times and places, and for such purposes as they may think desirable.

Amendments may be made.

ART. 8. Any alterations, amendments or additions, to the by-laws of said Association, may be made at any subsequent meeting of the stockholders: *Provided*, two-thirds of the capital stock be at the time represented, either in person or written proxy: *And, provided*, said alterations, amendments or additions, shall receive the sanction of a two-thirds vote, by shares of the stock then represented.

Durhamville Male Academy.

SEC. 15. *Be it further enacted*, That the Durhamville Male Academy, in the county of Lauderdale, and State of

Tennessee, be and the same is hereby incorporated, with all the powers, rights and privileges, that are by this act conferred upon the Lauderdale Female Institute.

SEC. 16. *Be it further enacted, by the authority aforesaid,* That the following rules and regulations shall constitute the principles upon which said institution shall be governed, viz:

Articles of Association for the Durhamville Male Academy.

ARTICLE 1. The capital stock of this association shall not be less than twenty-five hundred dollars, and may amount to fifty thousand dollars, and shall be divided into shares of twenty dollars each. The President and Secretary of the Board of Trustees, or any other person or persons acting under the order and appointment of said Board, shall issue to each subscriber a certificate of the amount of stock taken by him. By the articles of agreement the stockholders are required to pay one-half the amount subscribed by them on the first day of January, 1858, and the remainder on the 1st day of January, 1859. But no calls shall be made upon subscribers agreeing to pay at a specified time, until that time expires. Capital.

ART. 2. The said Institution shall be governed by seven Trustees who shall in future be elected on the third Saturday in July annually, by the stockholders of said association, who shall constitute a body politic and corporate, a majority of whom may make a quorum. The first board of Trustees, consisting of Shadrac Rice, N. M. Mullholland, Joseph Brown, Ivy Chandler, James G. Anthony, D. M. Henning and Edmund Fitzpatrick, elected by the first meeting of the stockholders, shall hold their office till the third Saturday in July, 1858, and until their successors are elected. Any member of the Board may, for improper conduct, and by vote of a majority, be expelled from the Board; all vacancies that may occur by death, removal, resignation, or otherwise, shall be filled by the Board, and the election of such Trustees shall be spread upon the minutes of said Board. The said Board shall elect from their body a President, Secretary and Treasurer, who shall hold their office for twelve months, or until their successors are elected. The Secretary shall faithfully record the proceedings of the Board, and the Treasurer shall apply the funds coming into his possession, as the Board may direct, and make an exhibit of his accounts when required by the Board, and a regular report at the expiration of his term of office. There shall not be more than two persons of the same Christian denomination in any Board of Trustees. Time of election.
Trustees.
May be expelled.

Who may vote.

ART. 3. In elections for Trustees each share of twenty dollars shall entitle the holder or holders to one vote. If at any time the stockholders shall fail to elect Trustees at the time prescribed by these articles of association, then the President or any three Trustees, may, after advertising for twenty days in some public manner, hold an election of Trustees for said Academy, and those receiving a majority of the votes cast, shall serve as Trustees for the time heretofore prescribed.

ART. 4. That the President and Trustees heretofore provided for, shall, by the name and style of the Durhamville Male Academy, have all the powers, rights and privileges of an incorporated body, and may by that name sue and be sued, own, hold, and possess any and all kinds of property, use and dispose of the same for the use and benefit of said Academy; may secure endowments, and bequests, &c.

May transfer stock.

ART. 5. The stock of this corporation may be transferred, and all transfers shall be entered in a book to be kept by the Trustees for that purpose: *Provided*, that no person may own more than one-sixth of the capital stock of said corporation.

May confer degrees.

ART. 6. The President and Trustees shall have the power to contract for the building of said Academy, and when it shall have been completed and received, they shall have power to employ all necessary Teachers and Lecturers, prescribe a course of studies, make all necessary rules and regulations, confer, if they think advisable, in connection with the Teachers, such literary degrees and diplomas as are usual in such institutions of learning, and make any other regulations not inconsistent with the laws of this State or the United States, and pass all such by-laws for their own government in their proceedings, as they may think proper: *Provided*, the same are not inconsistent with the terms of the articles of this association.

President shall sign transfer.

ART. 7. In the conveyance of real or personal property, transfer, claims, or assets, the name of the President of the Board of Trustees, in his own handwriting, with the words "by the order of the Board," written underneath by the Secretary, shall be sufficient in each case.

ART. 8. The Trustees shall have power to call meetings of the stockholders at such times and places, and for such purposes as they may think advisable.

Amendments.

ART. 9. Any alterations, amendments, or additions to the by-laws of said Association, may be made at any subsequent meeting of the stockholders: *Provided*, two-thirds of the capital stock be at the time represented,

either in person or by written proxy, and, *Provided*, said alterations, amendments, or additions, shall receive the sanction of a two-thirds vote by shares of the stock thus represented.

Sec. 17. *Be it further enacted*, That there be established in Lauderdale county an institution of learning having a corporate existence under the name and style of Beech Grove Academy; that said institution be a joint stock company, the stock therein to be divided into shares of twenty-five dollars each, said stock never to be paid, but the interest thereon to be paid annually; the said institution to be governed by five Trustees, who shall be elected by the stockholders, of their number, the first election to take place on the first Saturday in January, 1859, and on the same day in every year forever thereafter; said Trustees are to hold their offices for the term of one year and until their successors are elected, and a majority of said Board shall constitute a quorum for the transaction of business, and all vacancies that occur by death, resignation or otherwise, may be filled by the Board, until the next annual election. The stockholders, may in all elections vote either in person or by proxy, each share representing one; that said board, under their corporate name aforesaid, may sue and be sued, plead and be impleaded, have and use a common seal, receive subscriptions of stock for the erection of necessary and suitable buildings, hold real and personal estate by purchase or otherwise, sell and convey the same, elect a President, Secretary and Treasurer of their Board, and shall keep a record of their proceedings, and shall pay over annually to the stockholders such dividends as may have accrued upon their respective shares of stock; and that said Board shall employ all teachers and lecturers, and elect all officers in said institution, that they may deem necessary; may, in conjunction with said officers, confer all degrees and diplomas as are usual, and have and enjoy all other privileges and immunities which appertain to similar institutions including the power to make such by-laws and regulations for the government of said corporation and school as they may deem necessary, not inconsistent with the Constitution of the State, or of the United States; that it shall be the duty of said Board of Trustees to see that said school is conducted upon republican principles and equity, free from the incultation, influence, bias or preference of any particular religious denomination, that the stockholders in said institution shall have power to sell, transfer and convey their stock or any part thereof, by written assignment: *Provided*, a majority of the Board of Trustees at any regular

Beech Grove
Academy.

Who may vote.

Manner of gov-
ernment.

Trustees.

meeting thereof, consent thereto; that the first Board of Trustees shall consist of Wm. B. Sawyer, James Lenard, Wm. P. Suggs, W. T. Roundtree, and Benjamin T. Porter, who shall hold their office until the first annual meeting of the stockholders, on the first Saturday in January, 1859, and until their successors are elected; said Board of Trustees shall give notice to the stockholders in said institution of the time and place of said meeting and the purposes thereof, by written advertisement, at three of the most public places in the neighborhood of said Academy, and that said Board of Trustees may open Books for the purpose of receiving subscriptions for stock.

Jasper Female Institute.

SEC. 18. *Be it enacted*, That the 19th and 21st sections of an act entitled, An act to incorporate Clarksville Female College, &c., chapter 118, which passed 24th February, 1856, be, and they are hereby amended and construed so that the Jasper Female Institute shall be, and the same is hereby declared a branch of the Sam Houston Academy, at Jasper, in Marion county, Tennessee, and that it shall retain its separate name as heretofore; that it shall be under the separate control of a Board of Trustees, to be elected therefor, as they were before the passage of the above mentioned act, and that the Trustees of the said Sam Houston Academy, shall draw or receive, and receipt therefor, the Academy fund for the county of Marion, and pay over one-half of the amount or sums thus received hereafter to the Trustees of the said Jasper Female Institute.

Academy fund

SEC. 19. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 2, 1858.

CHAPTER 98.

AN ACT to charter the Young Men's Christian Association of Nashville, Tennessee, and to incorporate the first Baptist Church, in the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. Bryce Thompson, M. T. Stokes, C. P. Wilson, W. R. Stuart, L. A. Collins, J. H.

Farrar, William Simons, R. H. Thorne, J. F. Wheless, H. Hill McAlister, H. C. Shapard, and those associated with them, and their successors, be, and they are hereby incorporated and made a body politic, by the name and style of the Young Men's Christian Association of Nashville, for the purpose of improving the spiritual, mental, and social condition of young men in the city of Nashville, with full power and authority to form and adopt such a constitution and such by-laws as may be deemed proper for its government: *Provided*, that the same be not inconsistent with the Constitution and laws of the State of Tennessee.

SEC. 2. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto in all courts whatsoever, and may hold real, personal, and mixed property not exceeding one hundred thousand dollars in value, and have and enjoy all other powers and privileges incident to this description of corporations.

SEC. 3. *Be it enacted*, That the free white male members of the Nashville Baptist Church, who hold to the faith of said Church, as laid down in the Declaration of Faith unanimously adopted at a full meeting of the Nashville Baptist Church, held on the evening of the 9th day of July, eighteen hundred and thirty-six, which is recorded in the Register's office of Davidson county, in Book No. 4, pages 256, 257, 258, and 259, and their successors who may hold to said faith, be, and the same are hereby incorporated, by the name of the First Baptist Church of Nashville, and by that name may contract, and be contracted with, sue and be sued, plead and be impleaded, in all courts of law or equity, may buy and hold property, both real and personal, or sell the same as they see fit, such as may be useful and necessary in buildings for public worship, Parsonage and School House, and other conveniences for the same, and no more.

Nashville Baptist
Church.

SEC. 4. *Be it further enacted*, That said corporators shall, on the 1st Wednesday of each and every year, meet, of which meeting there shall be given at least one week's public notice, either from the pulpit of the house of worship, or otherwise, as they may determine, and elect Trustees to manage the affairs of said church, as hereinafter mentioned; said Trustees shall hold their office for three years, or until their successors are elected and qualified, except as hereinafter mentioned and shall be elected as follows. They shall be elected by ballot, and shall number nine, and of the first nine Trustees, three of them shall be elected for one year, three for two years, and the remaining three for three years, and it shall be determined by

Time of meeting.

Manner of elect-
ing.

ballot which of them are to serve for the term of three years, which of them for the term of two years, and which for the term of one year, and afterwards shall be elected each and every one for three years so that there shall be elected three each year.

SEC. 5. *Be it further enacted*, That said Trustees shall have such powers as may be vested in them by said corporators at the first or any subsequent meeting, and none other except the power of calling a meeting of the corporators at any time they think it proper for the interests of the corporation or when five of the corporators in writing shall request them to do so, of which meeting there shall be given general notice, as provided in section fourth.

SEC. 6. *Be it further enacted*, That said corporators may pass all laws and by-laws they think proper, which are not inconsistent with the Constitution and laws of the United States or the Constitution and laws of Tennessee.

SEC. 7. *Be it enacted*, That the Trustees to be appointed under this act, shall have power and authority to receive from the existing Trustees or agents of said Church, under its original organization the title to any property they now hold, belonging to the Church, and they and their successors shall hold and keep the same in trust for the use and benefit of the corporation.

May sell property.

SEC. 8. *Be it enacted*, That the Trustees so to be appointed shall have power to sell and convey any property, real or personal: *Provided*, that any such sale shall require the assent of two-thirds of the white male members at a meeting upon due notice.

SEC. 9. *Be it enacted*, That this act shall take effect and be in force from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed March 2, 1858.

CHAPTER 99.

AN ACT to incorporate the Mt. Pleasant and Big Bight Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers of stock for building a gravel Turnpike road, from a point on the Cen-

tral Turnpike road; near Mt. Pleasant, in Maury county, Tennessee, opposite Lemuel Long's, Sr., or from a point on the Hampshire and Mount Pleasant Turnpike Road, near Mount Pleasant, to a point of intersection with the Columbia and Hampshire Pike, at or near where said road crosses Big Bigby creek, shall constitute a body corporate and politic, by the name of the Mt. Pleasant and Big Bigby Turnpike Company.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be five thousand dollars, in shares of ^{Capital.} twenty-five dollars each; but if a greater sum shall become necessary to complete the road, the Board of Directors may raise the capital to the necessary amount.

SEC. 3. *Be it further enacted*, That Thomas S. Fleming, F. A. Hill, Felix Webster, Willis R. Frierson, James H. Cecil, Wm. J. Cecil, John H. Elliott, Dabney M. Goodloe, Wm. Watkins, and Johnson Long, are appointed ^{Commissioners.} Commissioners to receive subscriptions to the capital stock aforesaid.

SEC. 4. *Be it further enacted*, That when one-third of the capital stock is subscribed, said Company may organize by the election of a Board of Directors, and may in all respects be organized, with the rights, privileges, and restrictions, liabilities and penalties, prescribed by act of General Assembly, passed February 7th, 1850, and other acts amendatory thereto.

SEC. 5. *Be it further enacted*, That the grade of said road and depth of gravel shall be the same as is required of the Mt. Pleasant and Hampshire Turnpike Company.

SEC. 6. *Be it further enacted*, That the Mt. Pleasant and Hampshire Turnpike Company may extend their road from Mt. Pleasant, by way of Screamersville, to Campbellsville, in Giles county, and that said Company may build a branch to said road leading to Bigbyville, in Maury county.

SEC. 7. *Be it further enacted*, That the subscribers of stock for building a Turnpike road from Mt. Pleasant, running with the Military road in Maury county, to Lawrenceburg, Lawrence county, Tennessee, shall constitute a body corporate and politic, by the name of the Mt. Pleasant and Lawrenceburg Turnpike Company. Said Company are authorized to stop their road at any distance they see proper, after five miles of their road are completed. ^{Mt. Pleasant and Lawrenceburg Turnpike.}

SEC. 8. *Be it further enacted*, That the capital stock of Mt. Pleasant and Lawrenceburg Turnpike Company, shall ^{Capital.} be five thousand dollars, in shares of twenty-five dollars each, and to receive said stock, Seth R. Kittrell, W. G. J. Hunter, J. H. Kittrell, Edmond Wiltshire, Thomas P. ^{Commissioners.}

Stone, James H. Granberry, Henry Goodloe and S. P. Jordan (any five of whom may act,) are appointed Commissioners.

SEC. 9. *Be it further enacted*, That when one-third of the capital stock of said Company is subscribed, said Company may organize by the election of a Board of Directors, and may, in all respects, be organized, with all the rights, privileges, restrictions, liabilities and penalties prescribed by act of General Assembly, passed February 7th, 1850, and other acts amendatory thereto.

SEC. 10. *Be it further enacted*, That the grade and depth of stone or gravel required of said Company shall be the same as required of the Mt. Pleasant and Hampshire Turnpike Company.

SEC. 11. *Be it further enacted*, That no Turnpike Company authorized by this act, shall erect a toll gate nearer than one mile of an incorporated town.

SEC. 12. *Be it further enacted*, That the subscribers of stock for building a Turnpike road from a point on the Central Turnpike road, west of the town of Mt. Pleasant, in Maury county, where the Perryville road intersects said Turnpike along said Perryville road, or as near along said road as practicable, to the town of Newburg, in the county of Lewis, shall constitute a body corporate and politic, under the name and style of the Mt. Pleasant and Newburg Turnpike Company.

Mt. Pleasant and
Newburg Turn-
pike.

SEC. 13. *Be it further enacted*, That John S. Hunter, Moses Hoge, Hugh Venable, George Vincent, Robert M. Cooper, Daniel C. Mitchell, Samuel Ingram, J. W. Jennings, S. R. Kittrell, and W. T. McLain, a majority of whom may act, are hereby appointed Commissioners to open books, and receive subscription to the capital stock of said Company, and to locate the route of said Turnpike road.

Commissioners.

SEC. 14. *Be it further enacted*, That the subscribers of stock for building a Turnpike road from a point on the Central Turnpike road, east of the town of Mt. Pleasant, where the Williamsport road, intersects said Turnpike road, to the point on the Columbia and Hampshire Turnpike road where said Williamsport road intersects said Columbia and Hampshire Turnpike road, shall constitute a body corporate and politic, by the name and style of the Mt. Pleasant and Cross Roads Turnpike Company.

Mt. Pleasant and
Cross Roads
Turnpike.

SEC. 15. *Be it further enacted*, That Memford Smith, George W. Mays, James A. Frierson, Willis B. Embury, Leonidas Frierson, J. M. S. Mayes, William D. Mayes, and Benjamin Harris, a majority of whom may act, are hereby appointed Commissioners, to open books and re-

Commissioners.

ceive subscriptions of stock to the capital stock of said Company, and to locate the route of their Turnpike road.

SEC. 16. *Be it further enacted*, That the said Mount Pleasant and Cross Roads Turnpike Company, may erect one toll gate on their road, when they have completed the whole length of their said road, and not before. Toll gate.

SEC. 17. *Be it further enacted*, That said Mt. Pleasant and Newburg, and the said Mt. Pleasant and Cross Roads Turnpike Companies shall have all the rights, and be subject to all the restrictions of the Mt. Pleasant and Big Bigby Turnpike Company, under the provisions of this act, except so far as is otherwise provided in this act: *Provided*, Nothing herein contained shall be so construed as to prevent said Companies, or either of them, from McAdamizing their roads, with broken stone, or gravel, or either or both, at their option.

SEC. 18. *Be it further enacted*, That the charter of the Spring Hill and Rally Hill Turnpike Company, be so amended as to authorize said company to begin their road either at Spring Hill or at the Depot that may be established on the Tennessee and Alabama Railroad west of the town of Spring Hill, in Maury county. Spring Hill and Rally Turnpike.

SEC. 19. *Be it further enacted*, That said Company may erect their first toll gate within two miles of the point at which they may commence their road, whether they begin it at Spring Hill, or at the depot, west of Spring Hill as aforesaid. Toll gate.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 2, 1858.

CHAPTER 100.

AN ACT to extend the charter granted to Jesse Lincoln and William Usery to open a Turnpike road from Sparta, in White county, to Liberty in De Kalb county, passed October, 11th, 1832; and an act amendatory thereto, vesting the same rights to Thomas C. and Russell Marchbanks, passed January 31st, 1840; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above acts be and the same are hereby so amended, that said Turnpike Company shall be hereafter known as the Sligo Turnpike and Ferry Road, in DeKalb county; and that the charter for said

road, extending from the top of Snow's Hill, in DeKalb county, crossing Caney Fork river at Sligo, and to the county line of White county, east of said place, be renewed unto Ammon L. Davis, his heirs and assigns, for the full space of thirty years, from and after the expiration of the present charter, granted to Jesse Lincoln and William Ussery, on the 11th of October, 1832.

A. L. Davis.

Rates of ferriage
and toll.

SEC. 2. *Be it further enacted*, That said Ammon L. Davis, his heirs or assigns, shall be subject to all the rules, regulations and penalties, set forth in said original charter and amendment thereto, and shall be entitled to all the tolls and ferriages, as specified in said charter, and the amendments thereto—that is: The gate fees for each horseman, 15 cents; each loose horse, mule or head of cattle, not in a drove, 5 cents; each loose horse, head of cattle or hog, in a drove, 3 cents; each sheep in a drove, 2 cents; each cart, 25 cents; each two-wheel pleasure carriage, 40 cents; each wagon, 50 cents; each four-wheel carriage, 75 cents; and when the Caney Fork has to be ferried, the proprietor or proprietors of said road and ferry, shall be entitled in addition to the foregoing fees, to an equal amount from each person, or article of property ferried, as ferriage fees, and also five cents for each footman ferried.

SEC. 3. *Be it further enacted*, That if any person shall forcibly or clandestinely pass said gate or ferry, for the purpose of evading the payment of toll or ferriage, such person shall be liable to pay said proprietor or proprietors, twenty-five dollars, to be recovered before any Justice of the Peace, by action of debt.

Lebanon and
Sparta Turnpike.

SEC. 4. *Be it further enacted*, That the Lebanon and Sparta Turnpike Company, be allowed to charge and receive in addition to the twenty-five cents now allowed for loaded four-horse wagons, five cents for each additional horse attached to said wagon.

Who shall be ex-
empt.

SEC. 5. *Be it further enacted*, That the following persons shall be exempt from paying pikeage, to wit: Ministers of the Gospel; persons going to and returning from preaching; all persons going to or returning from mill or the blacksmith shop; and all persons residing in the county where said road is located, shall pay but twenty-five cents pikeage, and the same amount of ferriage on carriages.

Shelbyville and
Unionville Turn-
pike.

SEC. 6. *Be it further enacted*, That the Turnpike road from the town of Shelbyville to the town of Unionville, (both in Bedford county,) as at present built, be and they are hereby vested with all the rights and privileges, and subject to all the liabilities, given to and imposed upon the

Shelbyville, Unionville, and Eagleville Turnpike road, by their charter of incorporation and amendments thereto, heretofore granted to said road, by an act of the Legislature of this State.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 2, 1858.

CHAPTER 101.

AN ACT for the relief of Benj. Wright and Robt. L. Smith.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Clerk of the Circuit Court of the county of Shelby, is authorized, and it is hereby made his duty, to enter a credit or remittance for one hundred and fifty-nine dollars and eighty-five cents, on a judgment in the said Circuit Court, in favor of the State of Tennessee, against Benj. Wright and securities, for thirty-one hundred and ninety-nine dollars, and forty-one cents, it being one-half the excess of interest over six per cent., on a judgment in the Supreme Court, at Jackson, against said Wright and Robert L. Smith, as securities of W. L. Dewoody, Clerk of the County Court of Shelby county.

Circuit Court
Clerk—duty.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury of this State issue his warrant on the Treasury, in favor of Robert L. Smith, for the sum of one hundred and fifty-nine dollars and eighty-five cents, being the excess of interest over six per cent., paid into the Treasury by him, on a judgment in the Supreme Court, at Jackson, against said Smith and Benj. Wright, as securities of W. L. Dewoody, Clerk of the County Court of said Shelby county.

Comptroller's
duty.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 3, 1858.

CHAPTER 102.

AN ACT for the benefit of Henry C. Angel, and Securities.

Be it enacted by the General Assembly of the State of Tennessee, That Henry C. Angel, and his securities in his official bond, as Clerk of the Circuit Court of Lawrence county, be and the same are hereby released from the State tax, on the suits heretofore instituted and determined against them, under the acts of 1851 and '52, chapter 256, section 12, in the Circuit Court of Lawrence county: *Provided*, nothing contained in this act shall release said Henry C. Angel and his sureties from any of the costs incurred in said causes, except the State tax aforesaid.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 103.

AN ACT to incorporate the Pulaski and Pisgah Turnpike Company, and the Richland Valley, Cornersville and Lynnville Turnpike Company.

Pulaski and
Pisgah Turnpike
Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Charles Leatherman, Adolphus Hopkins, Colston Abernathy, Sterling Abernathy, William Oliver, Wm. Ballentine, and all persons who may become stockholders in said road be, and they are hereby constituted a body corporate and politic, by the name and style of the Pulaski and Pisgah Turnpike Company, for the purpose of constructing a turnpike road from Pulaski, by the farm of William Ballentine, to Pisgah; and said Company shall, by their corporate name have power to sue and be sued, plead and be impleaded, in all courts of the country whatsoever; and they shall have and enjoy all the rights and privileges, powers and franchises, and be subject so far as the same are, to all the restrictions and liabilities, prescribed in the Columbia, Mooresville, Cornersville and Lewisburg Turnpike Company, passed December the 18th, 1849.

SEC. 2. *Be it enacted,* That the capital stock of said Company shall be ten thousand dollars, or such amount as

may be necessary to build the road, to be divided into shares of fifty dollars each; and such stock may consist either in money subscriptions, or in work. Stock.

SEC. 3. *Be it enacted*, That Charles Leatherman, Adolphus Hopkins, Colston Abernathy, Sterling Abernathy, William Oliver and William Ballentine, are hereby constituted a Board of Commissioners, who may, at such times and places as they think proper, open books for the subscription of stock to said road, and when, in their judgment, a sufficient amount to build said road has been subscribed, it shall be the duty of the aforesaid Commissioners, to call a meeting of all the stockholders, at some convenient place, and elect five or more Directors, each of whom shall be a stockholder; and Directors shall have the same powers and perform the same duties prescribed for the Commissioners and Directors of the Columbia, Mooresville, Lewisburg and Cornersville Turnpike Company. Commissioners.

SEC. 4. *Be it enacted*, That said Company have two years in which to commence their road, and five years after the expiration thereof, in which to complete the same.

SEC. 5. *Be it enacted*, That all persons who shall become stockholders in this road, shall be, and they are hereby constituted a body corporate and politic, under the name and style of the Richland Valley, Cornersville and Lynnville Turnpike Company, and by that name and style may sue and be sued, plead and be impleaded, and enjoy all the rights, privileges and powers, appertaining to bodies corporate and politic by law, and have succession for ninety-nine years. Richland Valley,
Cornersville and
Lynnville Turn-
pike Company.

SEC. 6. *Be it enacted*, That the capital stock of said Company, shall be ten thousand dollars, or such amount as may be necessary to build said road, to be divided into shares of twenty-five dollars, payable either in money or work. Capital stock.

SEC. 7. *Be it enacted*, That R. Daugherty, H. Walker, D. G. Ussery, E. R. Davis, Milton McClure, Z. Baird, Thos. J. Kennedy, James T. Harris, Hampton Phillips, H. N. Cowden, Morgan Clayton, G. W. McBride and Peter Scales, shall be Commissioners to open books for the subscription of stock to said road; and whenever the amount of five thousand dollars is subscribed, said Commissioners shall call together the stockholders, and proceed to organize the Company, in the manner prescribed in section 3d of an act to incorporate the Cornersville and Lewisburg Turnpike Company, passed December the 18th, 1849.

SEC. 8. *Be it enacted*, That the President, Directors and officers of said Company, shall have all the powers,

and perform all the duties, and be subject to all the conditions, liabilities and restrictions, granted and imposed upon similar officers in the Cornersville and Lewisburg Turnpike Company, and that all the provisions of that act of incorporation, not conflicting with anything herein contained, so far as the same are locally applicable, be made a part of the charter of this Company.

SEC. 9. *Be it enacted,* That the said Company shall be allowed six years, from the passage of this act, in which to build their road, and that said road when built shall run along the following route, or as near thereto as may be practicable or convenient, viz: Beginning at the town of Lynnvile, in Giles county, running thence to Daugherty Depot, on the Southern Central Railroad, thence eastwardly to a point near Elisha Davis', in said county, and at this point to *divide* into two branches, one of which shall run along the main branch of Robinson's creek, so as to intersect the turnpike leading from Shelbyville to Pulaski, at a point north of Cornersville, the other line to run so as to cross the Shelbyville and Pulaski Turnpike, at a point near the southern portion of the town of Cornersville, extending said road up the valley of Richland, to G. W. McBride's store. Said Company shall not be bound to build this branch of their road further than the county line between the counties of Giles and Marshall, unless the citizens of Marshall shall subscribe a sufficient amount of stock to build said road from the county line to McBride's store, which stock shall be used in building said road within Marshall county.

Lewisburg and
Cornersville
Turnpike Com-
pany.

SEC. 10. *Be it further enacted,* That the Lewisburg and Cornersville Turnpike Company shall have power to extend their road to Pulaski, Giles county, or to any intermediate point between the present terminus of said road and Pulaski; for this purpose the President and Directors of said Lewisburg and Cornersville Turnpike Company, shall have power to open books for the subscription of stock, to extend said road, in such manner as they may designate, with all the privileges by law now, or hereafter, belonging to said Company, as to erecting gates, right of way, and for materials to construct said road, with every restriction, and all the rights heretofore given to said original Company; said Company shall have five years to complete said road. This act to take effect from its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 104.

AN ACT to charter Mount Horeb Academy, in Lauderdale county, Clarksburg Female Academy, Milton Seminary, in Rutlerford county, and the Pollymonian Society of Madison College, Spring Creek, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Rev. Joseph H. Strayhorn, A. O. Williams, George B. Deshong, R. C. Williams, and Absalom Alexander, be, and they are hereby appointed a body politic and corporate, under the style and title of the Mount Horeb Male Academy, and shall have perpetual succession, and a common seal, and that they and their successors, and such others as may be associated with them, by the name aforesaid, or by such other name as the Trustees may adopt, shall have, and are hereby vested with all legal power to buy, receive, possess, hold and dispose of any property, for the use and benefit of said institution; and may sue and be sued, and may commence and prosecute any legal process, and have the same instituted against them, in any court of record.

Mt. Horeb Male Academy.

SEC. 2. *Be it enacted*, That three Trustees shall constitute a quorum, and the said Trustees shall have full power to establish such departments in the Institution as may be useful, and to elect such officers, professors or teachers, as they may deem necessary to secure the object of the Institution, and also to make such by-laws and regulations as by them may be considered necessary: *Provided*, that the same be not inconsistent with the Constitution of the United States, or of this State.

Trustees—privileges, powers, &c.

SEC. 3. *Be it enacted*, That upon the death, resignation or removal, of any of the Trustees, the vacancy thereby occasioned may be filled by the remaining Trustees, or a quorum of them.

SEC. 4. *Be it enacted*, That the Trustees shall meet as often as they may deem necessary, and that the officers, professors and teachers shall, with the advice and consent of the Trustees, confer on any student in the Institution, or any proper person or persons, any degree or honors that are known and used in like institutions in the United States, or of this State.

SEC. 5. *Be it enacted*, That the present Board of Trustees, named in this act, may, by said members of the Board, be increased to nine.

SEC. 6. *Be it enacted*, That no misnomer or misdescription of said Corporation, in any deed, will or gift, grant,

devise, or other instrument of contract or conveyance, shall vitiate the same, but the same shall take effect in like manner, as if the corporation were rightfully named: *Provided*, it be sufficiently described to ascertain the intent of the parties.

Clarksburg Female Academy.

SEC. 7. *Be it enacted further*, That Dr. Henry McCall, Thomas W. Pinkleys, Wm. Dinckson, Cyrus Wilson, P. E. Parker, J. W. Wilson, Henry Laws, G. F. Falkner, B. S. Enlon, E. D. Watson, A. G. Hill, J. B. Johnson, Jesse Hardy and their successors in office, be, and they are hereby incorporated a body politic, under the name and style of the Clarksburg Female Academy, and by that name and style may have all the rights, powers and privileges of the act incorporating the Mount Horeb Academy.

Milton Male and Female Seminary.

SEC. 8. *Be it enacted*, That Wm. B. Burns, George W. Ferguson, W. B. White, D. D. Smith and Dr. B. H. Bilboo, shall be, and they are hereby constituted a body politic and corporate, under the style and title of the Milton Male and Female Seminary, in the county of Rutherford, and State of Tennessee; and shall have perpetual succession, and a common seal, and that they and their successors, and such others as may be associated with them, by the name aforesaid, or such other name as the Trustees may adopt, shall have, and they are hereby invested with all the legal powers and capacities to buy, receive, possess, hold, alien, and dispose of any property for the use and benefit of said institution, and may sue and be sued, and commence any legal process or processes, and have the same instituted against them, in any Court of Record.

Powers, privileges, &c., of Trustees.

SEC. 9. *Be it enacted*, That three Trustees shall constitute a quorum, and the said Trustees shall have full power to establish such departments in the institution as may be useful, and to elect such officers, professors or teachers, as they may deem necessary to secure the object of the institution, and also to make such by-laws and regulations, as by them may be considered necessary: *Provided*, that the same be not inconsistent with the Constitution of the United States, or of this State.

SEC. 10. *Be it enacted*, That upon the death, resignation or removal, of any of the Trustees, the vacancy thereby occasioned may be filled by the remaining Trustees, or a quorum of them.

SEC. 11. *Be it enacted*, That the Trustees shall meet as often as may be considered necessary by them, and that the officers, professors and teachers, with the advice and consent of the Trustees, may confer on any student in the institution, or on any other person or persons, any degree

or honors that are known and used in any institution of learning in the United States.

SEC. 12. *Be it enacted*, That the land, buildings and property, of said institution, shall be exempt from taxation.

SEC. 13. *Be it enacted*, That no misnomer or misdescription of said corporation, in any deed, will, gift, grant, devise or other instrument of contract, or conveyance, shall vitiate or defeat the same, but that the same shall take effect in like manner as if the corporation were rightly named: *Provided*, it be sufficiently described to ascertain the intention of the parties.

SEC. 14. *Be it further enacted*, That Sim. Skipper, N. Holland, J. M. Teague, H. C. Irby, Robt. S. Thomas, W. J. Crook, J. B. Day, W. H. Algee, J. S. Johnson, D. W. Askew, C. C. Wood, G. H. G. Pinn, S. V. Rhodes, W. F. Gouen, J. W. Jarrett, R. A. Milliford, Lewis O'Kelly, James Herron and those associated with them, and their successors, be, and they are hereby incorporated, and made a body politic, by the name of the Pollymonian Society, of Madison College, Spring Creek, Tennessee, for the purpose of cultivating a correct literary taste, and diffusing intellectual and moral improvement among its members, with full power and authority to form and adopt such a constitution and by-laws as they may think proper for its government: *Provided*, the same be not inconsistent with the Constitution of Tennessee.

Pollymonian Society of Madison College, Spring Creek, Tenn.

SEC. 15. *Be it further enacted*, That the persons hereby incorporated may use a common seal; may sue and be sued, make by-laws, and contracts, buy, hold and sell, property, to the amount of twenty thousand dollars, and may exercise all powers belonging to corporate bodies, for the purpose of promoting useful knowledge.

Privileges.

SEC. 16. *Be it further enacted*, That the amendment to Senate bill, No. 112, incorporating the town of Deloatch, in Hardeman county, be so amended that Deloatch be stricken out, and Grand Junction be substituted therefor.

SEC. 17. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 105.

AN ACT to incorporate the Covington Female Seminary, Cane Creek Seminary, Philomathean Society of Mossy Creek College, and the Columbian Society of Mossy Creek College, and for other purposes.

WHEREAS, J. R. Bledsoe, S. P. Bernard, R. W. Sanford, P. S. Miller, A. W. Smith, R. H. Munford, J. L. Morgan, C. G. Fisher, R. S. Barrett, John A. Green, Jordan Brown, and others, in the year 1852, formed themselves into a joint stock association, for the permanent establishment of an institution of learning, in or near the town of Covington, in the county of Tipton, called the Covington Female Seminary; at the October term, 1853, of the Circuit Court, in and for said county of Tipton, obtained a charter for said association by the name and style aforesaid, under the provisions of an act of the General Assembly of the State of Tennessee, passed on the 4th day of February, 1850, entitled, An act to promote popular education by the formation of societies and institutions of learning: and whereas, doubts have arisen as to the constitutionality of said act, and the consequent legality of said charter and the proceedings of said association:

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That the charter obtained by said association, as aforesaid, be, and the same is hereby confirmed in the words and figures following, to wit:

Articles of Association for Covington Female Seminary.

Covington Female Seminary.

We, the undersigned, and such others as may unite with us, hereby agree to form a Joint Stock Association under the rules and regulations hereinafter prescribed for the permanent establishment of an institution of learning in or near the town of Covington, Tipton county, State of Tennessee, to be called, Covington Female Seminary.

ARTICLE 1. The capital stock of said association shall be not less than \$3,000, nor more than \$50,000, and shall be divided into shares of twenty-five dollars each, to be paid in such manner, and under such rules and regulations as may be prescribed by the Board of Trustees: *Provided*, That not more than twenty per centum of said stock shall be called for or made payable within any sixty days from the time of the election of Trustees.

ART. 2. All the affairs of said Institution shall be under the control, direction and management of a Board of Trus-

tees, composed of twelve members, one-half of whom, to be elected by the stockholders on the first Saturday in July, in each and every year, to hold their office for two years, and until their successors are elected and qualified; not more than two of said Board of Trustees to be members of any one religious denomination, and not less than seven shall constitute a quorum for the transaction of business. At the first election of Trustees, which shall be held on the 10th day of July, 1852, one-half shall be elected to serve until the first Saturday in July, 1853; said Trustees shall hold regular semi-annual meetings. Before entering upon the discharge of their duties, they shall take an oath, before some justice of the peace, faithfully and impartially to perform the same, and it shall be their duty at the first meeting after their election and qualification, in each year, to elect of their body a President, Secretary and Treasurer. Said Board of Trustees and their successors, under the name and style of the President and Trustees of Covington Female Seminary, shall have perpetual succession, and may own and use a common seal, which they may alter or renew at pleasure; shall be capable in law or equity to purchase, receive or hold any and all property, real, personal or mixed, necessary for the purposes of said Institution, and to use and dispose of the same in such manner as they may think best for the interest and benefit of said Seminary; and by such name said Trustees may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere, and shall have power to make such by-laws and regulations for their government as they may think best, provided the same are not inconsistent with the Constitution of the United States or State of Tennessee; to contract for and superintend the erection of all necessary buildings; to purchase all apparatus and furniture; to employ all teachers and lecturers; fix the rates of tuition, and in connection with the teachers, prescribe the course of study, and confer, if they think proper, such literary degrees, and grant such diplomas as are usual in such institutions; to make such compensation as they may think proper to the Secretary and Treasurer for their services, and shall have, enjoy and exercise all other powers and privileges that are usual to corporations of this description.

Board of Trustees.

Duties, Powers, Privileges, &c.

ART. 3. Any vacancy in said Board of Trustees, by death, resignation, refusal to serve, or from any other cause, may be filled by said Trustees, by the election of some other person for that purpose. In the sale, or conveyance of any property belonging to said Institution, the name of the President of the Board signed to such instru-

ment, by order of the Board, shall be sufficient to make valid in law.

Duties of President.

ART. 4. It shall be the duty of the President to preside over all meetings of the Trustees; to sign all contracts and orders agreeable to the direction of the Board of Trustees for the payment of money and conveyance of property, and to call special meetings of the Board of Trustees, whenever he may think the interest of the Seminary requires it.

Duties of Treasurer.

ART. 5. The Treasurer shall give such bond and security as may be required of him by the Trustees. He shall keep all accounts with the stockholders and patrons of the school, collect and hold all moneys belonging to said Institution, and pay the same upon the order of the President, countersigned by the Secretary, and in no other way, and make a report to the Trustees at the close of his term of office, of all money received and expended, and a general statement of the financial condition of the Institution.

Duties of Secretary.

ART. 6. The Secretary shall keep a full, fair and impartial record of all the proceedings of the Board of Trustees, attest all orders for the payment of money, give notice for all meetings, and perform such other duties as may be required of him by the Board of Trustees.

ART. 7. All stock in said Institution may be transferred, with all the rights, privileges and obligations, and such rules and regulations as may be prescribed by the Board of Trustees: *Provided*, the original stockholders shall in all cases of transfer, be held bound for all of said stock which may be unpaid at the time of said transfer.

ART. 8. In all elections for Trustees or other purposes by the stockholders, each stockholder shall be entitled to one vote for each and every share he or she may own, and a majority of all the shares subscribed shall be represented in person or by a written proxy; no stockholder shall be entitled to vote in any such election, or enjoy any privilege, right or profit, who fails for the space of sixty days to pay any part of his or her stock, which may have been regularly called for, and remains unpaid at the time of such election.

ART. 9. In case the stockholders should fail to hold the election for Trustees at the regular time appointed in Article 2, and five or more stockholders, owning not less than twenty shares, may by giving ten days notice, call a meeting for the purpose of holding said election, or for any other purpose they may specify in said notice.

ART. 10. This Corporation shall have perpetual succession, unless upon a vote of the stockholders, they should think proper to dissolve it, in which case a majority of two-

thirds of all the votes shall be necessary to effect that end, and in case of such dissolution, each stockholder shall be entitled to a *pro rata* distribution of all money or property owned by said Institution, according to his or her stock.

ART. 11. No alteration or amendment shall be made to these articles of association, except by a concurrence of a majority of two-thirds of the votes of the stockholders.

SEC. 2. *Be it further enacted*, That all the acts and proceedings of said Association, under said charter, and all purchases and sales of property, real and personal, and all contracts made by the Board of Trustees elected under said charter, be, and they are hereby declared valid and binding to all intents and purposes.

SEC. 3. *Be it further enacted*, That William B. Beattie, David W. Beattie, John Kimes, B. E. Meleor, W. M. Roseborough, R. D. McMillin, Joel M. Harris, Thomas Hampton and L. L. Clark, be, and they are hereby constituted a body politic and corporate, under the name and style of the Board of Trustees of the Cane Creek Seminary, and shall have perpetual succession, and be capable in law or equity, to purchase, receive and hold, themselves and their successors, any lands, tenements, goods or chattels which may be given, granted or devised to them, or purchased by them for the use and benefit of said Seminary, and the said Trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State.

Cane Creek Sem-
inary.

SEC. 4. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings at such times and places, as they may think proper, to elect one of their number President, and a Secretary and Treasurer of said Board, and to fill vacancies when such may occur, by death, resignation, removal or otherwise, but not less than a majority of said Trustees shall constitute a board to do business.

SEC. 5. *Be it further enacted*, That said Board of Trustees shall have power to make such rules and regulations relative to said Seminary, and the government thereof, and their own proceedings, as a majority may deem right and proper: *Provided*, they be not inconsistent with the Constitution and laws of the State.

SEC. 6. *Be it enacted*, That J. A. Russell, W. J. Burt, W. A. Nelson, J. C. Barb, J. R. Chismitt, and those asso-

Philomathean So-
ciety.

ciated with them and their successors, be, and they are hereby incorporated and made a body politic, by the name and style of the Philomathean Society of Mossy Creek

College, to have a badge, bearing the initials of this motto, "*Philodux Motheas Deinamis*," with full power and authority to form such a constitution and by-laws as they may think proper for its government: *Provided*, the same be not inconsistent with the Constitution and laws of Tennessee.

SEC. 7. *Be it further enacted*, That the persons hereby incorporated, may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts whatsoever, and may hold real, personal and mixed property, not exceeding ten thousand dollars in value, and may exercise all powers belonging to incorporated bodies, for the purpose of useful knowledge and the general diffusion of the sciences.

Columbian So-
ciety.

SEC. 8. *Be it enacted*, That C. F. Davis, J. P. Shultz, S. B. Day, and those associated with them, and their successors, be, and they are hereby incorporated and made a body politic, by the name and style of the Columbian Society of Mossy Creek College, for the purpose of mutual improvement in the arts and sciences, and general literature, with full power and authority to form and adopt such a constitution and by-laws as may be thought proper for its government: *Provided*, that the same be not inconsistent with the Constitution and laws of the State of Tennessee.

SEC. 9. *Be it further enacted*, That the persons herein and hereby incorporated, under the name and style of the Columbian Society, may have and use a distinguishing badge, and a motto, consisting of the following Greek words, viz: *Phronesis Alethia and Euphradia*.

SEC. 10. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts whatsoever, and may hold real, personal and mixed property, not exceeding ten thousand dollars in value, and may exercise all the powers belonging to corporate bodies for the purpose of promoting useful knowledge.

Brownsville Fe-
male Seminary.

SEC. 11. *Be it further enacted*, That Hamilton W. Colter, Sr., Mitchel Currie, James P. Wood, Nicholas P. Perkins, Andrew J. Klyer, Junius Hennell, William Songster, William C. Nixon and William H. Liring, of the county of Haywood, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Brownsville Female Seminary, and shall have all the rights of succession in office, and all the other

rights, privileges and powers conferred in the above act, incorporating the Covington Female Seminary.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 106.

AN ACT to incorporate the Marshall Central Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Grant J. Allen, James M. Knight, Hartwell G. Baker, Austin Powell, John F. Fergerson, Hugh Thompson, Henry Martin and Abraham F. Lillard, of Marshall county, or any five of them, are hereby appointed Commissioners to open books to receive subscriptions for stock for the purpose of building a McAdamized Turnpike Road, commencing at or near John H. Holt's corner, at a point near the old Fishing Ford road, and terminating at McLain's bridge, on Duck river, to be called and known as the Marshall Central Turnpike Company; and said Commissioners, or any five of them, are hereby created a body politic and corporate, and as such, may sue and be sued, plead and be impleaded in any of the courts of this State, and have succession for fifty years.

Marshall Central
Turnpike Co.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be thirty thousand dollars, and may be increased, if necessary, to a larger amount if required to build said road, which sum shall be divided into shares of twenty-five dollars each.

SEC. 3. *Be it further enacted*, That so soon as five thousand dollars of stock is subscribed, any three of them may call a meeting of the stockholders of said Company, at such time and place as they may deem advisable, first giving ten days notice, in writing, of the time and place of said meeting, at five public places in the vicinity of said road; at which meeting the stockholders shall elect seven persons, who shall be stockholders, to serve as Directors, one of whom shall be President, and shall hold their office for two years, or until their successors are elected. Said Commissioners may, as they deem advisable, accept subscriptions to said Company, for the purpose of raising said sum of five thousand dollars, a portion to be paid in work, and

Capital Stock

a portion in cash, as the parties may agree, which course they may adopt in raising all the stock in said road; and said Directors may have the same powers after their election, as said Commissioners in relation to the raising of said stock.

SEC. 4. *Be it further enacted*, That said Directors may, in such way as they deem advisable, cause said road to be laid out from point to point, as designated in a former section of this act, so as to pass Caney Spring.

SEC. 5. *Be it further enacted*, That said Directors shall have full power to let out said road to contractors, in such quantities as the parties may agree upon, and pay for the same in stock in said Company, in whole or in part, as may be agreed upon.

SEC. 6. *Be it further enacted*, That said road shall be cleared of timber for at least twenty feet, and graded at least sixteen feet wide, and McAdamized or gravelled fourteen feet wide, which shall not be less than twelve inches thick in the centre, and with suitable drains or culverts as said Directors may deem advisable.

Rights, powers,
&c., &c.

SEC. 7. *Be it further enacted*, That said Company shall have all the rights, powers, privileges and immunities, now given by law to the Shelbyville, Lewisburg and Farmington Turnpike Company, and subject to all the restrictions of the same, so far as the same relates to the right of way, and for materials, &c., and they may charge and receive the same amount of toll as said Company is now by law allowed to charge.

SEC. 8. *Be it further enacted*, That so soon as said Company shall, at either end of their said road, finish five miles of the same, they may erect a toll-gate, and so on until the whole of said road is completed by sections of five miles. No gate shall be nearer than one and a half miles from Holt's corner, nor shall any person on horseback, when going to or returning from mill, be charged toll.

SEC. 9. *Be it further enacted*, That said Company shall have three years from the passage of this act to finish said road.

SEC. 10. *Be it further enacted*, That said Company, in their corporate capacity, may hold real estate sufficient to erect gates and gate-houses.

SEC. 11. *Be it further enacted*, That Randolph Hall, Ralston Arbuckle, Jesse Brashear, R. C. Jones, Elihu Jones, and their associates, are hereby constituted a body politic and corporate, by the name and style of Cripple Creek Turnpike Company, and invested with all the necessary powers and authority to construct a Turnpike Road, commencing on the Murfreesboro' and Liberty Turnpike

Cripple Creek
Turnpike Co.

Road, at or near where it crosses the East Fork of Stone's river, at Jacob Wright's bridge, running a south-western direction, crossing Cripple creek near Jesse Brashear's residence, and intersecting the Murfreesboro' and Woodbury Turnpike, near Bearwood's old place. And said Turnpike Company shall be entitled to all the immunities and privileges, and subject to all the liabilities of an act, passed 31st January, 1854, chapter 259, entitled, An act to amend the several acts chartering the Shelbyville and Fayetteville Turnpike Company, so far as the same may be applicable to the said Cripple Creek Turnpike Road: *Provided*, that said Company shall be entitled to only one gate on said road, which may be located at any point thereon, which the Directors may determine.

Line of Route.

SEC. 12. *Be it further enacted*, That William Spence, Thomas B. Turner, William B. Lillard, Dr. Ransom, Joseph Ransom, L. M. Cregg, James M. Moore, John Price, Travis Winron, Byas Winron, William Rainey, Archibald Jordan and Drury Floyd, of Rutherford county, and C. Jordan, A. Woods, E. B. Yeargain, Newton Jordan, W. S. Webb, Samuel Perkins, John S. Claybrooke, of Williamson county, and such others as may become associated with them and stockholders in the road, be, and are hereby constituted a body politic and corporate, by the name of the Williamson County and Salem Turnpike Company, to construct a Turnpike Road, commencing on the Turnpike leading from the city of Nashville to Eagleville, near Nelson's creek, a short distance north of Mrs. Jones', or at some other point on said turnpike road, if the Commissioners should think it more suitable, and running in an easterly direction by way of Winron's Camp Ground, to Salem, in Rutherford county, so as to connect with the Murfreesboro' and Salem Turnpike Road. And the said Company, herein incorporated, shall enjoy and possess all the rights, powers and privileges conferred on the Shelbyville and Fayetteville Turnpike Company in an act to amend the several acts chartering the Shelbyville and Fayetteville Turnpike Company, and compiling the same into one act, chapter 259, passed 31st January, 1854.

Williamson Co.
and Salem Turn-
pike Company.

Line of Route.

SEC. 13. *Be it further enacted*, That the persons named in the foregoing section, be appointed Commissioners to open books and receive subscriptions for the building of the road, and to manage and conduct all things pertaining thereto until the stockholders shall elect a Board of Directors.

SEC. 14. *Be it further enacted*, That the Canoe Branch Turnpike Company may, as soon as their road is finished, erect a toll-gate, at which the following prices shall be charged: For a man and horse, five cents; for a buggy and

horse, ten cents; for an unloaded four horse wagon, ten cents, and for a loaded one, fifteen cents; for cattle, hogs, sheep, horses, and mules, one cent apiece; for a two horse wagon, if loaded, ten cents, if unloaded, five cents; for carriages, fifteen cents.

Canoe Branch
Turnpike Co.

SEC. 15. *Be it further enacted*, That the charter of the Canoe Branch Turnpike Company, which was passed, January 17, 1850, be so amended as to appoint William Hall, A. R. Wynne, R. A. Wright, David Dickerson, N. B. Harrison, B. Hallum, J. A. Baskerville, J. A. Jones, W. R. Wynne and James Angle to open books for subscriptions to build said road, instead of the Commissioners appointed by said act of January 17, 1850.

Line of Route
changed.

SEC. 16. *Be it further enacted*, That the line of said Turnpike Company be so changed as to commence at the mouth of the Canoe Branch, running along the most practicable route, so as to pass about fifty yards east of R. A. Wright's house, thence on the line between James Angle and B. Hallum, so as to intersect the Gallatin and Hartsville Turnpike Road, at the mouth of the lane between B. Hallum and W. R. Wynne.

McMinnville &
Chattanooga
Railroad Co.

SEC. 17. *Be it further enacted*, That an act, entitled, An act to incorporate the McMinnville and Chattanooga Railroad Company, passed 3d February, 1848, be so amended as to allow the Laguardo Turnpike Company, the privilege of constructing said road upon the same plan of the Statesville and Cainsville Turnpike Road: *Provided however*, that said Company shall not be required to McAdamize said road more than fifteen feet wide.

SEC. 18. *Be it further enacted*, That said Company is hereby authorized to erect one gate upon said road, at any point they may think best, and charge one-half additional toll at the same, for all travel upon said road.

Lebanon and
Tucker's Hill
Turnpike Co

SEC. 19. *Be it further enacted*, That Paulding Anderson, John Perkins, Claiborne R. Jarratt, William Eddings, William Baird, Silas Tarver, D. D. Claiborne, Benjamin J. Tarver, Miles McCorkle, Levi Fisher, citizens of the county of Wilson, and subscribers of stock for the building a road from Lebanon by Tucker's Hill, and on west to the distance of five miles from Lebanon, or farther if the stockholders shall so determine, not exceeding the distance of fifteen miles, or any three of said parties named, or subscribers of stock, shall constitute a body politic and corporate, by the name and style of the Lebanon and Tucker's Hill Turnpike Company, and by said name to sue and be sued, plead and be impleaded, and have succession for ninety-nine years, and shall be Commissioners to take stock and obtain subscriptions.

SEC. 20. *Be it further enacted*, That the capital stock of said Company shall be four thousand dollars, or any greater amount, as the stockholders may determine, not exceeding the sum of twenty-five thousand dollars, which said capital stock shall be divided into shares of twenty dollars, and as soon as two thousand dollars shall be subscribed, the said Commissioners shall appoint a meeting of the subscribers, either at the Court House, in Lebanon, or at the Hebrew Meeting House, in said county, as they may deem best, giving said subscribers notice of the meeting. Said subscribers, so assembled, shall proceed to elect five Directors, each one of whom shall be a subscriber; and said Directors shall elect a President, Secretary and Treasurer, who shall hold their offices for the term of twelve months, and until their successors shall be elected and appointed.

SEC. 21. *Be it further enacted*, That each stockholder shall have as many votes as he holds shares of stock in said road, as well in the election of Directors as in all other matters concerning said road, and may vote by proxy, the said proxy being a stockholder, and authorized in writing to vote. Voting.

SEC. 22. *Be it further enacted*, That the President and Directors shall have full power to make contracts with any person for the clearing, opening and making the said road along the route which shall have been marked out by a majority of the aforesaid Commissioners, mentioned in the first section of this act.

SEC. 23. *Be it further enacted*, That said road shall be opened twenty feet wide, graded sixteen feet, and shall be gravelled with rock or creek gravel, the first coat twelve feet wide, nine inches in the centre, and six inches thick at the edges, the vacancies between the rock or gravel to be filled with dirt; the second coat of rock or gravel to be three inches thick in the centre, and ten feet wide, plained to an edge; and said road shall be graded to within five degrees of a level, and said Company shall build all such bridges, culverts and other drains, in such manner as will be durable and sufficient to drain said road at all seasons of the year; and when said road is thus made, they shall be allowed the same rate of toll at their respective gates, that is now allowed on the Lebanon and Nashville Turnpike Company's Road. The opening, grading and rocking may be more than here prescribed, but not less. Construction of Road.

SEC. 24. *Be it further enacted*, That when five miles of said road are completed, commencing at Lebanon, said Company may erect a toll-gate upon same and charge toll; the first gate not nearer to Lebanon than three-quarters of

Charge toll

a mile: *And provided further*, that when said road is completed, said company may erect another gate at Tucker's Hill, and be allowed to charge the same rates of toll as at the first gate.

SEC. 25. *Be it further enacted*, That the Commissioners may demand of such subscribers as may take stock in said road, such sums as to them may seem reasonable to facilitate the speedy completion of said road; and said Commissioners are authorized to receive subscriptions for stock in said road, to be paid either in money or work, in such proportions as said Commissioners shall authorize or direct.

Clarksville and
Russellville
Turnpike Co.

SEC. 26. *Be it further enacted*, That the third section of an act, to incorporate the Clarksville and Russellville Turnpike Company, which relates to the collection of such stock as may have been subscribed, when the same is called by the proper authorities, and not paid, be and the same is hereby adopted.

Toll-gatherer.

SEC. 27. *Be it further enacted*, That if any person shall refuse or neglect to pay the toll, hereby granted, at the time of offering to pass, the toll-gatherer may lawfully refuse a passage to such person or persons, or things subject to toll aforesaid; or if any article or things subject to toll, shall by any means pass without payment when demanded by the toll-gatherer, the Company may, by warrant from any Justice of the Peace, recover from the owner or persons in possession of such articles or subjects of toll, five dollars for each offence.

SEC. 28. *Be it further enacted*, That the Company hereby incorporated, shall have all the powers and privileges, and be subject to all the duties and liabilities that the Lebanon and Nashville Turnpike companies are by the act of the General Assembly, passed February 12, 1836, and amendments to that act, so far as the same are applicable to this act.

Cumberland
Central Turn-
pike Company.

SEC. 29. *Be it further enacted*, That the laws in regard to the Cumberland Central Turnpike Company, be so amended, that hereafter any of the Justices of the Peace, in the various counties through which said road passes, upon the affidavit of any person, stating that any portion of said Turnpike Road, lying and being in the county where the Justice of the Peace may reside, before whom said affidavit is made, is and has been out of repair for five days previous thereto, the said Justice shall appoint three Commissioners, whose duty it shall be to inspect said road, and should they find the same out of repair, as stated in said affidavit, they shall order the gates on said road, in said county, to be opened, and remain open, until the same is repaired.

Magistrate.

SEC. 30. *Be it further enacted*, That any gatekeeper ^{Gatekeepers.} who shall collect any toll, in violation of the above order, shall be held and deemed guilty of a misdemeanor, and punished as in other cases of misdemeanors.

SEC. 31. *Be it further enacted*, That all laws and parts of laws, in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 32. *Be it further enacted*, That all the rights, powers and privileges granted in this act, shall accrue to the ^{Peacher's Mills and Clarksville Turnpike Co.} Peacher's Mills and Clarksville Turnpike Company, for the purpose of building a turnpike road from the Kentucky line to Clarksville, or to any point that said Company may agree upon, to intersect the Clarksville and Hopkinsville Turnpike Road; and that P. Peacher, F. Cabb, John Wilson, J. W. Burkner and Joseph Fauntleroy be Commissioners to open books for stock for said road.

SEC. 33. *Be it further enacted*, That this act shall take effect from and after the date of its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 107.

AN ACT to incorporate the Lewisburg Masonic Female Institute, at Lewisburg, in the county of Marshall, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. G. McClure, John Lewis, J. B. Fulton, John Baxter, Wiley F. Stone, W. A. Houston, J. D. Johnston, J. B. Wilkes, James D. Ewing, Peter Hoyle, L. D. Stockton, R. Powell, and their successors, be, and they are hereby constituted a body corporate and politic, by the name and style of the Trustees of the Lewisburg Masonic Institute; and by that name, may have succession at the pleasure of the General Assembly of Tennessee, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto in any court of law and equity, and to have and use a common seal. ^{Trustees of the Lewisburg Masonic Institute.}

SEC. 2. *Be it further enacted*, That said Board of Trus-

Power of Trustees.

tees may increase their number at pleasure, and shall have power at any regular meeting, to fill vacancies in said Board, and shall elect a President and Secretary, and also to declare and make vacant the seat of any Trustee, for such cause as to them may seem right and proper. Said Trustees shall have authority to meet from time to time on their own adjournment.

Quorum.

SEC. 3. *Be it further enacted*, That seven of said Trustees shall constitute a quorum to transact all their business.

SEC. 4. *Be it further enacted*, That said Trustees shall be enabled to hold real and personal property to any amount sufficient to carry on their educational purposes, together with boarding-houses for the accommodation of pupils, teachers, &c.

Employing Teachers & prescribing course of study. &c.

SEC. 5. *Be it further enacted*, That said Trustees shall have power to employ such number of teachers, as in their judgment the interests of such Institution demands, and to prescribe such course of instruction as they may deem proper, and to confer such literary honors and degrees as is usually granted in institutions for female education, and to do all other things necessary to carry on a complete system of female education, and to make such rules and regulations for the government of their said Institute as they may deem advisable.

Spring Hill Male and Female Academy.

SEC. 6. *Be it further enacted*, That James B. McClelland, James Crowcher, H. M. Milliken, John Young, James S. Henry, Newton Young, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Spring Hill Male and Female Academy, located in Henry county. The said Trustees shall have perpetual succession, and shall have power to fill vacancies, which may occur by death or otherwise.

Holding property.

SEC. 7. *Be it further enacted*, That said Trustees, and their successors in office, shall be capable in law to purchase, receive and to hold to themselves and their successors forever, any lands, tenements, goods or chattels which shall be given or granted to them for the use of said Seminary; and to use and dispose of the same, in such manner as to them shall seem most advantageous to said Seminary. The said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Meetings.

SEC. 8. *Be it further enacted*, That the Trustees shall have power to hold meetings at such times and places as they may think proper, also elect their President, Secretary and Treasurer; and they alone shall have power to expel disorderly students, and also the selection of teach-

ers. A majority of said Trustees shall be a quorum to do business and manage the interests of the Seminary.

SEC. 9. *Be it further enacted*, That this Seminary shall have power to confer degrees, and shall have all other rights and privileges known to institutions of learning in this State. Degrees.

SEC. 10. *Be it further enacted*, That Greenville Lodge, No. 119, of Free and Accepted Masons, in the town of Greenville, be, and the same is hereby constituted a body politic and corporate, and by the name and style of Greenville Lodge, No. 119, of Free and Accepted Masons, shall have perpetual succession, and a common seal, and by the name aforesaid, said corporation shall be capable in law to purchase, receive and to hold, to themselves and their successors and assigns forever, or for any less estate, any lands, tenements, goods, chattels or money, which shall be given, granted or devised to them, or by them purchased, and to use, sell and dispose of the same in such manner as said Lodge shall determine right and proper. And said Corporation shall by their corporate name aforesaid, sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere. Greenville Lodge
No. 119. of Free
and Accepted
Masons.

SEC. 11. *Be it further enacted*, That the officers of this Corporation shall be the Master of the Lodge, the Senior and Junior Wardens, and the service of all process issued against said Corporation, upon either of said officers, shall be good and sufficient to bring said Corporation before any court of law or equity in this State; and all deeds, conveyances, receipts and acquittances, bonds, obligations or other papers executed by said Corporation, shall be signed by the Master of the Lodge, and attested by the Secretary, under the corporate seal, where a seal is necessary.

SEC. 12. *Be it further enacted*, That said Lodge shall have power to erect and establish any school, male or female, in the town of Greenville, they may deem right and proper, and from their own body, annually to elect three Curators, and by a code of by-laws, prescribe their duties and powers, any two of whom agreeing, shall constitute a Board, capable of transacting business; and the property, both real and personal, used for said school or schools, shall be under the control of said Curators, who shall have power to ordain and establish and put into execution, such by-laws and regulations as may, in their judgment, be necessary for the successful carrying on and government of said school or schools: *Provided*, such by-laws and regulations shall be subject to the ratification of the Lodge: *And provided further*, that the same shall not be inconsistent with the Constitution and laws of Tennessee. Schools.

SEC. 13. *Be it further enacted,* That the Board of Curators shall have full power to confer degrees, and issue diplomas or other certificates of scholarship, to such pupils as may be adjudged worthy to receive them, which shall be signed by the officers of the Lodge, the Board of Curators, and the Principal of the School, and to perform such other duties as shall be prescribed by the by-laws and regulations for the government of the school or schools.

SEC. 14. *Be it further enacted,* That nothing herein shall be so construed as to prevent the Legislature, when the public good requires it, from repealing, altering or amending, any of the foregoing provisions.

SEC. 15. *Be it further enacted,* That the Trustees of Rhea Academy, be, and they are hereby authorized and empowered to transfer and convey to Greenville Lodge, No. 119, of Free and Accepted Masons, the lot of land and buildings thereon, erected in the town of Greenville, whereon the Female Branch of Rhea Academy now stands, together with all the appurtenances, fixtures, apparatus and furniture or other property thereunto belonging.

SEC. 16. *Be it further enacted,* That the Young Ladies' Collegiate Institute, at Forest Hill, Shelby county, Tennessee, have a corporate existence; and the Faculty of said College, shall have full power and authority to prescribe the course of study to be prosecuted, and to confer degrees and such honors as are usual in any College or University in the State of Tennessee.

SEC. 17. *Be it further enacted,* That all the real estate and personal property of every kind, held by the Faculty or Proprietor, for the use and benefit of said College, shall be forever free from taxation of all kinds, for any purpose, or by any authority whatsoever.

SEC. 18. *Be it further enacted,* That so much of the act passed at this session of the General Assembly, giving to Howard Female Institute, at Gallatin, Sumner county, one-half of the County Academy fund, be, and the same is hereby repealed.

SEC. 19. *Be it further enacted,* That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH

Speaker of the Senate.

Passed March 5, 1858.

CHAPTER 108.

AN ACT to amend an act entitled, An act to incorporate Invincible Fire Company, No. 5, of Memphis, Tennessee, passed December 5th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of Invincible Fire Company, No. 5, of Memphis, Tennessee, passed December 5th, 1853, be so amended that the said Company shall be allowed to issue certificates to any of its members, who shall have served six consecutive years as an active fireman, and said certificate shall entitle such member to all the rights and privileges, granted under said charter, without doing further active service.

Sec. 2. *Be it further enacted*, That said Fire Company shall have and possess, all the rights and privileges heretofore granted to Invincible Fire Company, No. 1, of the city of Memphis.

Sec. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 109.

AN ACT to charter the Tellico and Valley River Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elisha Johnson, Charles M. McGee, James A. Coffin, William O. Lafland and M. F. Johnson, be, and they are hereby created a corporation, and as such are authorized to open, establish and keep in repair a Turnpike road, commencing at the bridge across Tellico river, at the Tellico Plains, in Monroe county, Tennessee; up said river, on the eastern side, to the big bend, crossing said river to the mouth of Buzzard Roost Hollow; up the same, and along the ridge to the Morgan farm; thence along the leading ridge, by the little and big basins, to the Umka Mountains, and thence up the same to the

most practicable point to the State line between the States of Tennessee and North Carolina, to intersect the Beaver Dam Turnpike road, in the State of North Carolina.

SEC. 2. *Be it further enacted*, That said Elisha Johnson, Charles M. McGee, James A. Coffin, Wm. O. Lafland and M. F. Johnson, shall open, build and make said road equal to a first class road, according to the laws of Tennessee, at all places where the ground over which said road passes, will admit of it to be done, and shall erect bridges and causeways where necessary.

SEC. 3. *Be it further enacted*, That when the said Elisha Johnson, James A. Coffin, Charles M. McGee, Wm. O. Lafland and M. F. Johnson, as owners and proprietors of said road, shall make it satisfactorily appear to the County Court of Monroe county, that said road is open and in good repair, in the manner prescribed by this act, they may be entitled, and are hereby authorized to erect a toll-gate on said road, at any point they may think proper.

Rates of toll.

SEC. 4. *Be it further enacted*, That the proprietors of said road shall receive the following rates of toll, to wit: For each wagon and team of six horses, seventy-five cents; for each wagon and team of four horses, fifty cents; for each cart and driver, twenty-five cents; for each carryall wagon, twenty-five cents; for each four wheel pleasure carriage, drawn by two horses, fifty cents, if by one horse, twenty five cents; for each man and horse, or mule, ten cents; for each led horse or mule, five cents; for all loose horses or mules in a drove, two cents each; for each head of hogs, sheep or cattle, one cent: *Provided*, that no person shall be required to pay toll, who may be going or returning on the prosecution of neighborhood business, or who may be going to or returning from mill, maister, court, blacksmith shop or church.

Consequence if out of repair.

SEC. 5. *Be it further enacted*, That if any part of said road shall be out of repair, at any time after it is received and declared open by the County Court aforesaid, by which any person shall sustain damages, either in person or property, such person may have and maintain an action on the case against the proprietors of said road, for such damages.

Fine of five dollars.

SEC. 6. *Be it further enacted*, That if any person or persons, shall pass said gate arbitrarily, or within one mile thereof, for the purpose of avoiding the toll, such person or persons shall forfeit and pay, for every such offence, to the proprietors of said Turnpike road, the sum of five dollars, to be recovered by action of debt, before any justice of the peace, for this State.

Proprietors duties.

SEC. 7. *Be it further enacted*, That the proprietors of said Turnpike road, shall have the same measured, and

plainly mile-marked, and shall keep the same in good repair, as required by this charter; and in case they shall fail so to do, they shall be subject to indictment or presentment, as overseers of public roads are now liable in such cases.

SEC. 8. *Be it further enacted*, That whenever said proprietors shall have half of said road completed, said proprietors shall be allowed to exact and receive one-half of the rates of toll above mentioned.

SEC. 9. *Be it further enacted*, That the said Elisha Johnson, James A. Coffin, Charles M. McGee, Wm. O. Laffland and M. F. Johnson, shall have the time of four years Time. to open and complete said road, from the date of the passage of this act.

SEC. 10. *Be it further enacted*, That C. B. Neal, Wm. L. Eakin and John Harris, are hereby created a corporation, under the name and style of the Mount Vale Turnpike Company, for the purpose of opening and keeping in repair, a Turnpike road from Mount Vale Springs to the Yellow Sulphur Springs, in Blount county, Tennessee, under the same rules, regulations and restrictions, prescribed in the foregoing sections of this act. Mount Vale
Turnpike Co.

SEC. 11. *Be it further enacted*, That the charter of the White Oak Turnpike Company, granted by an act passed January 25th, 1854, be, and the same is hereby revived; and all the chartered privileges in said charter be extended to Joseph Morrison, of Hamilton county, who shall also be under all the penalties incurred by failure to comply with the provisions of said charter. White Oak
Turnpike Co.

SEC. 12. *Be it further enacted*, That James Watkins and John Kimbro, be, and they are hereby appointed Commissioners of said road, whose powers and duties shall be the same as those of the Commissioners, in said charter, of the White Oak Turnpike Company. Instead of the rates of toll in said original charter, the rates of toll shall be as follows, to wit: For all wagons drawn by six horses, mules or oxen, thirty cents, also, by four horses, oxen or mules, twenty cents; for all carts drawn by horses, mules or oxen, fifteen cents; for all four wheel pleasure carriages, by two mules or horses, fifteen cents; for each pleasure carriage, drawn by one horse or mule, ten cents; for each man and horse, or mule, five cents; for each horse, mule or cow brute, in a drove, one cent; for each hog or sheep, in a drove, one-half cent. Commissioners.

SEC. 13. *Be it further enacted*, That the said Joseph L. Morrison, have the further time of ten years to complete said road. Time.

SEC. 14. *Be it further enacted*, That J. C. Fite, A. D. Fugett, John Thomas, W. B. Sutton, James Roane, Mor-

gan Smith, T. H. Caldwell and Harry Brown, be, and they are hereby appointed Commissioners, to open books at such places as they may determine, and receive subscriptions of stock, in shares of twenty-five dollars each, for the purpose of building a Turnpike road, from the town of Shelbyville, in the county of Bedford, in the direction of the town of Fairfield, in said county; the capital stock of said Company to be not less than five thousand dollars, nor more than fifty thousand dollars.

Commissioners of
Shelbyville and
Fairfield Turn-
pike.

SEC. 15. *Be it further enacted, that, by the authority aforesaid,* When the amount of five thousand dollars shall be subscribed, in either of the ways hereinafter pointed out, said subscribers shall be a body corporate and politic, by the name and style of the Shelbyville and Fairfield Turnpike Company, and by said name may sue and be sued, plead and be impleaded, in all the courts of law and equity in this State, and have and enjoy all the rights and privileges granted to incorporations of this kind, and have succession for and during the term of ninety-nine years.

Name.

SEC. 16. *Be it further enacted,* That when said Company shall be organized, as pointed out in the foregoing sections, the Commissioners shall give notice, in one or more newspapers, published in the town of Shelbyville, for at least four weeks, of the time and place of electing a Board of seven Directors, to manage the affairs of said Company, at which time and place, said stockholders shall proceed to elect seven persons, all of whom shall be stockholders, to serve as Directors in said Company for the term of twelve months from their election. Said notice of the time and place of election, shall be given before each and every election. One share of stock shall entitle each holder thereof to one vote, ten shares shall entitle the holder thereof to two votes, and each additional ten shares to one additional vote, in said election of Directors, which votes may be given in person or by proxy; if by proxy, then in such way and manner as may be determined upon by the Directors of said Company.

Stockholders
meeting.

Votes.

SEC. 17. *Be it further enacted,* That subscriptions to the capital stock of said Company, may be made either to be paid in cash or work. When made to be paid in work, they may either specify the work to be done, or the amount of money they are willing to enter, to be discharged in work. That in all cases where subscriptions are taken, to be paid in work, the person so subscribing, shall, when he shall have completed his work, notify the President of said Company of the fact, who shall immediately call a meeting of the Directors of said Company, and they shall appoint three Commissioners—disinterested—who shall go

Subscriptions.

upon the ground and assess the cash value of the work so done, and report the same to the Directors, who shall enter it upon their book, which said assessed value shall constitute the amount of stock said subscriber will be entitled to in said Company.

SEC. 18. *Be it further enacted*, That if said Company choose, they may stop said road at a distance of five miles from the town of Shelbyville, in which event they shall be entitled to one gate, to be located at any point on said road: *Provided*, it does not come nearer than one mile of the town of Shelbyville. If said Company shall build said road to the town of Fairfield, then they may erect two toll-gates at any point on said road they may determine: *Provided*, they are not located nearer than five miles of each other, or nearer than one mile of either of said towns.

SEC. 19. *Be it further enacted*, That said Company may commence their said road, either at the town of Shelbyville, or at some point on the Nashville, Murfreesboro' and Shelbyville Turnpike road, between the said town of Shelbyville and the five mile post from said town, on said road.

SEC. 20. *Be it further enacted*, That said Company are hereby authorized and empowered, to build a branch road, leaving their main road at what is known as the fork of the Shelbyville and McMinnville road, and the Shelbyville and Murfreesboro' road, by way of Liberty, and running thence to the Bellbuckle depot, on the Nashville and Chattanooga Railroad, upon which they may erect a toll-gate, and receive the same rates of toll as at their gates upon the main road, during the months of December, January and February, but shall collect no toll at said gate for the balance of the year.

SEC. 21. *Be it further enacted*, That said Company shall have the power to change the termination of said road, from the town of Fairfield to Bellbuckle depot, in which event they may collect toll at the gate, authorized to be erected by the foregoing section, all the year. Power to change the termination.

SEC. 22. *Be it further enacted*, That said Company shall enjoy all the rights and privileges, and be subject to all the liabilities, granted the Shelbyville and Fayetteville Turnpike road, by an act passed at the session of 1853-'54, and acts amendatory thereto, so far as they do not conflict with the foregoing sections of this charter.

SEC. 23. *Be it further enacted*, That J. H. McGrew, William Gosling, Thomas C. Ryall, H. L. Donelson, James T. Arnold, Wiley T. Daniel, John W. Gardner, R. H. Terry and Daniel Parker, their successors and associates, are hereby incorporated under the name and

Shelbyville and
Thompson's
Creek Turnpike
Company.

style of the Shelbyville and Thompson's Creek Turnpike Company, and under that name may contract and be contracted with, sue and be sued, acquire and sell real and personal estate, and enjoy all the rights and powers usually appertaining to such incorporations.

Powers, &c.

SEC. 24. *Be it further enacted*, That as such Company, its members and associates are vested with full power and authority to build a McAdamized Turnpike road, from the corporation line of Shelbyville, to Blemton's store, in Bedford county, on said Thompson's creek, as near as practicable on the present dirt road.

SEC. 25. *Be it further enacted*, That said road shall be graded at least twenty feet, and gravelled four inches deep for sixteen feet, and eight inches deep for eight feet in the centre; the grade of the work to be regulated by the Directors.

Commissioners.

SEC. 26. *Be it further enacted*, That the persons aforementioned, shall be Commissioners, and as such, either jointly or separately, take and receive subscriptions of stock in said road; shares to be twenty-five dollars each, which may be paid in money or work, according to calls to be made by the Directors.

Meeting of the
stockholders.

SEC. 27. *Be it further enacted*, That so soon as the sum of five thousand dollars may be subscribed in money or work, then said Commissioners, on ten days' notice to the stockholders, shall open and hold an election for nine Directors, and the Directors chosen shall elect one of their number President of said Company, and shall also elect a Secretary and Treasurer; and all of said officers shall hold their offices for one year, and until their successors are elected.

Toll gates.

SEC. 28. *Be it further enacted*, That as soon as five miles of said road shall be completed, said Company may erect and keep up a toll-gate, not nearer than one mile of the court house in Shelbyville, and may receive the same rates of toll of the Nashville, Murfreesboro' and Shelbyville Turnpike Company, and may also charge and receive five cents for each horse or mule, more than four, attached to any vehicle when loaded, and fifteen cents for empty vehicles with five or more horses or mules attached. Gates upon said road not to be nearer than five miles of each other.

SEC. 29. *Be it further enacted*, That all Turnpike Companies, incorporated under the various acts of the General Assembly of this State, shall be authorized to go upon the lands of any person, to obtain such rock or gravel, or both, as may be necessary to build any road so incorporated, being liable only to the owner for the actual value of

the materials so used; and no company, or contractor under any company, shall be prevented or delayed in the prosecution of any such work, by an injunction from any Court or Judge thereof.

SEC. 30. *Be it further enacted*, That the act of the General Assembly of the State aforesaid, incorporating the Shelbyville Flat and Mulberry Turnpike, and the amendatory act, creating the Flat Creek and Lynchburg Turnpike Companies, are hereby revived in full force, and that all of said Companies in this act mentioned, shall have ten years' time in which to complete their respective roads.

SEC. 31. *Be it further enacted*, That said Companies, or any two thereof, may jointly build said road from the corporation line of Shelbyville to a proper point of divergence south of the Skull Camp Ford Bridge, on such terms as may be agreed upon by their respective Boards of Directors; or any Company may alone limit said road to such point of divergence, and the other Company or Companies may unite at that point, on such terms as may be agreed upon by the respective Boards of Directors. That the present Skull Camp Ford Bridge, shall be the place of crossing Duck river, leaving the terms on which said bridge shall be used, to be fixed by the County Court of Bedford county, and the Company or Companies aforesaid.

Joint road.

SEC. 32. *Be it further enacted*, That said Companies shall have all other and further powers necessary to carry out the objects of their creation and incorporation, not inconsistent with the Constitution and laws of this State.

SEC. 33. *Be it further enacted*, That Daniel G. Shepherd, Wm. B. Holmes, John Hughes, Matthew C. M. Kinley, White Myers, Henry W. Sadler, Sr., Jackson C. Apple, Sterling B. McDenman, Redley Apple, Ephraim Elrod, Green B. Thompson, Garrett Sadler, G. W. Apple and Jefferson A. Thomas, be, and they are hereby appointed Commissioners, to open books for subscription of stock, for the purpose of building a Turnpike road from some point near Chestnut Mound, in Smith county, via. Granville and Flinn's Lick to the town of Gainesboro', in Jackson county. That so soon as five thousand dollars shall have been subscribed, in shares each of fifty dollars, the aforementioned Commissioners, or a majority of them, may, by ten days' written advertisement, at Greenville, Flynn's Lick, Gainesboro' and Chestnut Mound, call a meeting of the stockholders at Flynn's Lick, at which time and place they may organize the Company, to be known as and styled as the Chestnut Mound and Gainesboro' Turnpike Company, and which Company, after said organization, shall have all the rights, benefits, privileges and powers, given the Alexan-

Commissioners.

Meeting of stockholders.

dria and Red Sulphur Springs Turnpike Company, with the right to sue and be sued, plead and be impleaded, contract and be contracted with, and all such other general powers incidentally necessary to corporations; that they may increase their capital stock, to any amount consistent with their own option, with the right of succession and existence as such corporation for ninety-nine years from their organization of the Company, and shall have four years to complete the road. That so soon as they may have completed five miles, from either end of the road, they may erect a toll-gate thereon, and for every additional five miles thereafter, as fast as the same may be completed, for every distance as aforesaid, with the same rules and regulations, and rates of toll, as provided for said Alexandria and Red Sulphur Springs Turnpike Company.

Toll-gate.

Commissioners.

SEC. 34. *Be it further enacted*, That John P. Maney, James T. Quarles, Robert Kirkpatrick, L. C. Hall, Adam Hufflines, James R. Talbert, George C. Darwin, R. J. C. Guilbreath, John S. Cornwell, Joseph Hancock, Joshua Haile and William H. Betts, be, and they are hereby appointed Commissioners, to open books for the purpose of receiving subscriptions of stock, in shares of twenty-five dollars each, to any amount necessary to complete a Turnpike road from Gainesboro', Jackson county, to some point on Defeated creek, to intersect the Alexandria and Red Sulphur Springs Turnpike road, for which purpose this Company is hereby incorporated. That so soon as four thousand dollars shall have been subscribed, the Commissioners shall call a meeting, in like manner, as provided for in the foregoing sections incorporating the Chestnut Mound and Gainesboro' Company, to be holden at Gainesboro', and when organized, the said Company shall be known as and styled the Gainesboro' and Defeated Creek Turnpike Company, and shall have any and all powers incident to corporations generally, and shall have the right of succession for ninety-nine years, and may erect toll-gates every five miles, and as soon as its first five miles shall have been completed, from either end, they may erect a toll-gate, and so on for every five miles, with the rights to charge toll, as is the Alexandria and Red Sulphur Springs Turnpike Company, and at the same rates, but shall not erect a toll-gate nearer Gainesboro', or either end of said road, than two miles.

Gainesboro' and
Defeated Creek
Turnpike Co.

SEC. 35. *Be it further enacted*, That both of the foregoing Companies, to wit: the Gainesboro' and Defeated Creek Turnpike Company, and the Chestnut Mound and Gainesboro' Turnpike Company, shall each be subject to the same restrictions, and entitled to all the rights, benefit

and immunities, given to the Alexandria and Red Sulphur Springs Turnpike Company, by an act passed March 2, 1854, chapter one hundred and fourteen, and that they shall each be allowed four years from the passage of this act to complete the said roads: that is, the Chestnut Mound and Gainesboro' Company shall be allowed four years, and the Gainesboro' and Defeated Creek Turnpike Company, four years.

Rights, benefits,
&c.

SEC. 36. *Be it further enacted*, That the County Court of Union county, be, and is hereby authorized and empowered to make such change in the Turnpike road, running from Knoxville to Tazewell, at and near the town of Maynardsville, in Union county, as may promote the public convenience: *Provided*, the said change does not materially lengthen said road, or place it on ground more unfavorable than its present location, and that any change made in compliance with the provisions of this act, shall be valid and legal, and that so soon as the road, as changed, shall be put in as good repair as the part of said road where the change is proposed, is, at the time of making the change, then the County Court shall order that part of the old road where the change is made to be closed and annulled; and that the road as changed, be, and is hereby made and declared to be a part of the Pike leading from Knoxville to Tazewell, and in all respects placed on the same footing with the other parts of said road.

County Court of
Union county.

SEC. 37. *Be it further enacted*, That should the County Court of Union county have already made the change authorized to be made by the provisions of this act, and the same has been done in all respects in compliance with the provisions of this act, that the change is hereby made and declared to be legal and binding in all respects.

SEC. 38. *Be it further enacted*, That John Bowman, William D. Clowchy, C. Barker, T. Kralts and Joseph Fauntleroy, are hereby created a corporation, under the name and syle of the Cedar Grove Turnpike Company, for the purpose of building a Turnpike road from the Kentucky line, to any point on the Clarksville and Hopkinsville road, under the same rules, regulations and restrictions, provided in the different sections of this act.

Cedar Grove.
Turnpike Co.

SEC. 39. *Be it further enacted*, That the persons who may become stockholders, pursuant to the following provisions of this act, shall be, and they are hereby constituted a body corporate and politic, by the name and style of the Woodbury and Auburn Turnpike Company, and by that name and style may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State.

Woodbury and
Auburn Turnpike
Company.

Commissioners.

SEC. 40. *Be it further enacted*, That the following named persons are hereby authorized to open books for subscription for stock in said road, at the following places, to wit: at Auburn—J. M. Sneed, A. Owen, Robert Bryson and John F. Wenlon; at Woodbury—P. C. Tally, A. F. McFerrin and J. N. Fisher.

SEC. 41. *Be it further enacted*, That the Turnpike road shall be built in the same manner, as is provided for the construction of the Murfreesboro' and Woodbury Turnpike road.

Toll-gate.

SEC. 42. *Be it further enacted*, That whenever five miles of said road shall be completed, commencing at the point where said road shall intersect the Murfreesboro' and Woodbury Turnpike road, it shall be lawful for said Company to erect one toll-gate: *Provided*, that no toll-gate shall be erected nearer than one mile from the corporate limits of the town of Woodbury; and said Company are authorized to erect one toll-gate for every five miles on said road, and be entitled to receive the same fees as are allowed to the Murfreesboro' and Woodbury Turnpike road Company.

Meeting of stockholders.

SEC. 43. *Be it further enacted*, That as soon as four thousand dollars of stock, shall have been subscribed for said road, a meeting of stockholders shall be held in the town of Woodbury, of which twenty days' notice shall be given at Woodbury, James Read's, John W. Sumner's and at Auburn, who may proceed to elect five Directors, who shall be stockholders, three of whom shall be a quorum to do business, to pass by-laws, and organize said Company.

Capital stock.

SEC. 44. *Be it further enacted*, That the capital stock in said road shall be divided into shares of twenty-five dollars, and at the first meeting all the stockholders shall be members of said corporation, and they shall elect the Directors, as follows: they shall vote by shares, and each share shall entitle the holder to one vote. The Directors shall elect one of their number President of said Company, another Secretary, and another Treasurer; and it shall be the duty of the Directors to locate said road and have the same constructed, and shall have the entire management of the road; they shall hold their office for one year, and until others are elected in their place. The election for Directors shall be held once in each year; and it shall be the duty of the President of the Board of Directors, to give ten days' notice of the time and place of holding said election.

SEC. 45. *Be it further enacted*, That for the purpose of making and keeping up said road, the Directors may cut, dig and quarry, and take from the lands of any person,

within one mile of said road, such and so much timber, rock or gravel, as may be necessary for said purposes; and if any person or persons, from whose land the same may be taken, desire to receive pay for the same, he, she or they, may apply to any justice of the peace in the county, who shall appoint three disinterested freeholders, who shall inspect and value the rock, gravel or timber, so taken, and shall give such person or persons a certificate as to the value of such timber, gravel or stone, and such person or persons may recover the sum of said Company, before any tribunal having jurisdiction of the same.

SEC. 46. *Be it further enacted*, That when any undertaker or undertakers shall report to the President of the Board of Directors, the completion of his or their contract, it shall be the duty of said President to call a meeting of the Board of Directors, for the examination of said road; and if they are satisfied it is according to contract, it shall be their duty to receive it, and give a certificate accordingly.

SEC. 47. *Be it further enacted*, That said Woodbury and Auburn Turnpike road, shall commence at or near Auburn, and run up Sanders' Fork, the nearest and best route, to intersect the Murfreesboro' and Woodbury Turnpike roads, at a point between A. F. McFerrin's and John W. Orin's.

SEC. 48. *Be it further enacted*, That the road hereby chartered, shall be governed by the laws applicable to the Government. Murfreesboro' and Woodbury Turnpike, unless otherwise herein provided.

SEC. 49. *Be it further enacted*, That the capital stock of said road, shall be forty thousand dollars, or less, and shall be applied to the construction and keeping up said road, according to the sections of this act. Capital stock.

SEC. 50. *Be it further enacted*, That the the act passed fifth February, 1848, granting leave to John DeArmond, of the county of Roane, to open a Turnpike road from Hembree's Iron Works, in Roane county, to intersect with Scott's Turnpike road, in Morgan county, be so amended as to discontinue, as a Turnpike road, that portion which is in Morgan county, and that John DeArmond be compelled only to keep up and in repair said Turnpike road to the county line between Morgan and Roane counties. John DeArmond.

SEC. 51. *Be it further enacted*, That John DeArmond, by himself or any one for him, shall charge as toll on said Toll. road, only one-half of what he is now allowed by law to charge, except persons passing on horseback, shall pay five cents.

Commissioners.

SEC. 52. *Be it further enacted*, That John Cooper and William Todder, be appointed Commissioners on said road, in room and stead of Commissioners heretofore appointed, subject to the same rules and regulations as those heretofore appointed on said road.

State aid.

SEC. 53. *Be it further enacted*, That no State aid shall be granted by this act, nor shall any banking or exchange privileges be allowed.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 110.

AN ACT to incorporate the Alexandria and Smith's Fork Turnpike Company, and for other purposes.

Alexandria and Smith's Fork Turnpike Co.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers of stock, for building a Turnpike Road from Alexandria, in DeKalb county, to the Murfreesboro' and Liberty Turnpike Road, where said road crosses Smith's Fork creek, at or near John Sneed's, in Wilson county, as in this act provided, shall constitute a body corporate and politic, by the name of the Alexandria and Smith's Fork Turnpike Company.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be five thousand dollars, in shares of twenty-five dollars each; but if a greater sum shall become necessary to complete the road, the Board of Directors may raise the capital to the necessary amount: *Provided*, it does not exceed ten thousand dollars.

Commissioners.

SEC. 3. *Be it further enacted*, That O. D. Williams, James P. Dass, Hezekiah Bowers, of DeKalb county, and L. D. Fite, James Turner, Sr., Jonathan Turner and Levi Foutch, of Wilson county, are appointed Commissioners to receive subscriptions to the capital stock aforesaid.

Meeting of stockholders.

SEC. 4. *Be it further enacted*, That as soon as two thousand dollars are subscribed, the Commissioners shall appoint a meeting of the subscribers at Alexandria, DeKalb county, giving said subscriber for stock, not less than ten days notice of said meeting; at said meeting, the stockholders, or as many of them as shall assemble, shall

elect seven Directors, each of whom shall be a stockholder, each shall have as many votes as he has shares, as well in the election of Directors, as in all other matters in which, Election of officers. by this act, he may be entitled to vote; he may vote in person or by proxy, the proxy being a stockholder, authorized in writing, conferring the general power to vote as his representative, or a special power to cast his vote in the particular way directed.

SEC. 5. *Be it further enacted*, That the Directors first elected shall continue in office until the first Saturday in September, 1859, when the second election shall be held; and ever afterwards, elections shall be held on the same day every year, at Alexandria, unless a majority of the stockholders shall at any meeting, designate a different place for the succeeding election. If at any time there should be a failure to make an election, at the regular meeting or time, the Directors in office shall continue until their successors are elected. Term of office.

SEC. 6. *Be it further enacted*, That to constitute a quorum at any meeting of the stockholders, a majority of the shares shall be represented: *Provided*, that the Directors shall call meetings of the stockholders whenever, in their opinion the interest of the Company may require it, and that a majority of the Directors shall constitute a quorum for business. Quorum.

SEC. 7. *Be it further enacted*, That on the election of the first Directors, they shall proceed to receive subscriptions for the necessary amount of stock, have the road surveyed, and do whatever else may be necessary and proper to have said road built. They shall elect one of their number President, and shall elect such other officers as they may think necessary. Duties of first Directors.

SEC. 8. *Be it further enacted*, That not more than five dollars shall be called on each share at any one time, of which the stockholders shall have twenty days notice.

SEC. 9. *Be it further enacted*, That if any stockholder shall fail to pay any call, his stock may be sold by order of the Directors, for the amount of the call or calls that may be due, and the purchaser of it shall have all the rights, and be subject to all the liabilities of the original subscriber. If it does not bring the amount, the original owner shall be liable to suit for the balance. And it shall be the duty of the President of the Board of Directors, to cause suit to be forthwith instituted, for the collection of said balance, under penalty of himself being personally liable for said balance, unless by order of the Board not to institute such suit. Transferring stock.

SEC. 10. *Be it further enacted*, That any person over

To assess dam-
ages.

whose lands the road may run, may petition the Circuit Court, whereupon the Court shall order the Sheriff to summon a jury of five freeholders, to assess the damages, taking into consideration the benefit the petitioners will derive from the road, or upon the return of the report to the Court, if confirmed, judgment shall be rendered and execution shall issue.

SEC. 11. *Be it further enacted*, That timber, gravel, stone, or either, may be taken by said Company, or its agents, from any land adjacent or convenient to the road, for the making and repairing thereof; and if damages are claimed therefor, they shall be recovered as provided for in section 10: *Provided further*, that the President and Directors may purchase and hold twenty-five acres of land adjacent to each toll-gate.

SEC. 12. *Be it further enacted*, That Commissioners may open books at Alexandria, in DeKalb county, and at Round Top, in Wilson county, to receive subscriptions for stock in said road, either in money or in work; and whenever the amount is subscribed, as provided for in the fourth section of this act, they shall lay off and mark said road, beginning at Alexandria and running thence the most practicable route to Round Top Meeting House, in Wilson county; from thence, in like manner to the Murfreesboro' and Liberty Turnpike, at or near the bridge on said road, across Smith's Fork creek.

Description of
road.

SEC. 13. *Be it further enacted*, That the road shall be bedded twenty-two feet wide, with sufficient ditches, culverts and bridges to drain the water off: *Provided*, that the bridging of Pertles' creek shall be left optionary with the Company. The first coat of gravel or stone to be sixteen feet wide and six inches thick, and the second coat to be ten feet wide and five inches thick, and of the common size that is used on turnpike roads; the road to be graded from two to five degrees.

Toll gate

SEC. 14. *Be it further enacted*, That the Company shall be entitled to one gate on said road, which gate shall not be nearer than two miles of Alexandria, and shall be allowed to receive at said gate the same rate of toll, and in the same manner specified in and allowed by the charter of the Murfreesboro' and Liberty Turnpike Road.

SEC. 15. *Be it further enacted*, That no one shall be at liberty to pass said gate without paying the toll to which he is liable; or if he does, the gatekeeper may sue him in the name of the Company, before any Justice of the Peace, and recover five dollars in addition to the amount of toll for which he is liable.

SEC. 16. *Be it further enacted*, That on information

given by any person, on oath, to any Justice of the Peace, that the road has been twenty days out of repair, the Justice shall issue a warrant to some Constable or the Sheriff, against the nearest gatekeeper, or the President of the Directory, to appear before him at a time and place therein specified, and also commanding him to summons three freeholders, to appear before him, at the time and place, to investigate the complaint. If they find it true, the Justice shall give judgment, that the nearest gate, or the two nearest gates, in his discretion, shall be opened, and charge no toll, until the road is fully repaired, and also for the cost of the proceedings. On due proof before the Justice that the road is repaired, he shall order that the gate be again closed: *Provided further*, that the officer and Justice shall be entitled to the same fees as for other similar service, and the Jurors provided for in this act, shall be entitled to one dollar each.

SEC. 17. *Be it further enacted*, That the Directors or stockholders shall have power, when assembled, to pass all necessary by-laws for the government of the Company, and to make all contracts necessary for the building of said road. And that the Company shall have succession for ninety-nine years, and five years to build said road, from and after the passage of this act. Powers, &c.

SEC. 18. *Be it further enacted*, That Alfred Bone, of DeKalb county, and M. A. Wood, C. F. Neal, William Talley, Bird W. Smith, S. C. Hamilton and A. W. Cox, of Wilson county, be, and they are hereby appointed Commissioners to open books for subscription for stock, at such places and times as a majority of them may appoint, for the purpose of constructing a McAdamized road from Alexandria, DeKalb county, to Statesville, in Wilson county. Commissioners.

SEC. 19. *Be it further enacted*, That the stockholders, and such as may become stockholders, shall be, and they are hereby constituted a body corporate, by the name of the Alexandria and Statesville Turnpike Company, and shall have and enjoy and possess, all the rights, powers and privileges, and be subject to the conditions, limitations and restrictions, granted and imposed upon the Alexandria and Smith's Fork Turnpike Company, except so far as the provisions herein contained are inconsistent therewith. Alexandria and Statesville Turnpike Company.

SEC. 20. *Be it further enacted*, That the subscribers, or a majority of them being present, may call a meeting at such time and place as they may propose, for the purpose of electing a President and such other officers as may be necessary, according to the provisions of the fourth section of this act. Meetings.

SEC. 21. *Be it further enacted*, That there shall be but

Toll gates.

one gate erected on this road, which shall not be nearer than one mile and a half of Alexandria or Statesville.

Lebanon & Sinking
Creek Turnpike
Company.

SEC. 22. *Be it further enacted*, That Dr. L. W. White, R. C. Scobey, Nelson D. Hancock, Foster Newby, John Henry Neal, George Campbell, John Bostick, Green B. White, John Shortor, E. A. Donnell, Dr. Jack, C. White, G. D. Johnson, Wiley Russell, James Hearn, Archibald Allen, M. P. Hearn, Eli Reed, Selden Beard, Smith Allen, John C. Organ, be, and they are hereby appointed Commissioners, (or any five of them,) at such time and place as they may appoint and designate, to open books to receive subscriptions for the purpose of building a Turnpike Road from Lebanon, in a southern direction, towards Hurricane Road, in Wilson county, a distance of five miles or more, across the waters of Sinking creek, the nearest and most practicable way; which Commissioners, and the subscribers of stock in said road, are hereby incorporated, as a body politic and corporate, under the name and style of the Lebanon and Sinking Creek Turnpike Company, and in that name may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the provisions and powers herein granted.

Shares.

SEC. 23. *Be it further enacted*, That the capital stock of said Company shall be sufficient to construct said road, divided into shares of twenty dollars each.

Election of officers.

SEC. 24. *Be it further enacted*, That when the aforesaid Commissioners, mentioned in the twenty-second section of this act, shall have received a sufficient amount of subscription of stock to build two miles of said road, the said Commissioners, or a majority of which shall constitute a quorum, shall publicly notify the stockholders, who shall meet at Lebanon at such time as said Commissioners shall appoint and designate, and proceed to elect five Directors, being stockholders, who shall elect one of their body President of the Board of Directors; and the President and Directors thus chosen, shall have power to elect a Secretary and Treasurer. All of the officers so elected and chosen, shall hold their respective offices for one year, and until their successors be chosen and elected.

Powers, &c.

SEC. 25. *Be it further enacted*, That the President and Directors shall have full power to make contracts with any person or persons, for the clearing, opening and making the said road, along the route which shall have been marked out by a majority of the aforesaid Commissioners, mentioned in the twenty-second section of this act.

SEC. 26. *Be it further enacted*, That said road shall be opened twenty-four feet, graded twenty, and shall be gravelled with rock or creek gravel; the first coat sixteen

feet wide, nine inches thick in the centre and six inches thick at the edges, the vacancy between the rock or gravel to be filled with dirt; the second coat of rock or gravel to be three inches thick in the centre, and ten feet wide, Description of road. plained to an edge; and said road shall be graded to within five degrees of a level. And said Company shall build all such bridges, culverts and other drains, in such manner as will be durable, and sufficient to drain said road at all seasons of the year. And when said road is thus made, they shall be allowed the same rate of toll at their respective Toll gate. toll-gates that is now allowed on the Lebanon and Nashville Turnpike Road.

SEC. 27. *Be it further enacted*, That when five miles of said road shall be completed, commencing at Lebanon, said Company may erect a toll-gate upon the same and charge toll.

SEC. 28. *Be it further enacted*, That the aforesaid Commissioners may demand of such subscribers as may take stock in said road, such sums as to them may seem reasonable to facilitate the speedy completion of said road. And said Commissioners are authorized to receive subscriptions for stock in said road, to be paid either in money or work, in such proportions as said Commissioners shall authorize or direct.

SEC. 29. *Be it further enacted*, That the third section of an act to incorporate the Clarksville and Russellville Turnpike Company, which relates to the collection of stock as may have been subscribed, when the same is called by the proper authorities, and not paid, be, and is herein adopted. The amendment of Clarksville & Hopkinsville Road charter adopted.

SEC. 30. *Be it further enacted*, That if any person shall refuse or neglect to pay the toll hereby granted, at the time of offering to pass, the toll-gatherer may lawfully refuse a passage to such person or persons, or things subject to toll aforesaid; or if any article or things liable to toll, shall by any means pass without payment when demanded by the toll-gatherer, the Company may, by warrant from any Justice of the Peace, recover from the owner or persons in possession of such articles or subjects of toll, five dollars for each offence. On refusing to pay toll.

SEC. 31. *Be it further enacted*, That said corporation shall exist and remain for the period of ninety-nine years.

SEC. 32. *Be it further enacted*, That the Company hereby incorporated, shall have all the powers and privileges, and be subject to all the duties and liabilities that the Lebanon and Nashville Turnpike Company are by the act of the General Assembly, passed February 12, 1836, and amendments thereto, so far as applicable to this act.

Bank Ridge
Turnpike Co.

SEC. 33. *Be it further enacted*, That Joseph Cowper, Josephus Walker, W. L. Clemmons, Archibald Carver, Jesse A. Grigg, Henry Jackson, citizens of the county of Wilson, be, and the same are hereby incorporated as a body politic and corporate, under the name and style of the Bank Ridge Turnpike Company, with all the powers and privileges conferred by this act on the Alexandria and Smith's Fork Turnpike Company, so far as applicable to the Bank Ridge Turnpike Company.

Route of road.

SEC. 34. *Be it further enacted*, That said road shall commence on the Lebanon and Tucker's Hill Turnpike Company Road, at, or near the residence of Wm. Eddings, in the county of Wilson; thence near the residence of Jos. Cowper; thence to Josephus Walker's blacksmith shop, intersecting the Davidson and Wilson Central Turnpike Company Road.

SEC. 35. *Be it further enacted*, That the provisions of the act incorporating the Lebanon and Tucker's Hill Turnpike Company shall be applicable to the Bank Ridge Turnpike Company, so far as the building, obtaining stock, meetings, grade and toll-gates, are restricted and declared in said act.

Pleasant Grove
Turnpike Co.

SEC. 36. *Be it further enacted*, That John Kelley, Dr. J. H. McFarland, J. A. Horn, W. R. Winter, Asa Jackson, citizens of the county of Wilson, be incorporated under the name and style of Pleasant Grove Turnpike Company, with all the powers and privileges conferred by this act on the Alexandria and Smith's Fork Turnpike Company, so far as applicable to the Pleasant Grove Turnpike Company Road.

SEC. 37. *Be it further enacted*, That said road shall commence at the western terminus of the Lebanon and Tucker's Hill Turnpike Company's Road; passing Pleasant Grove Church, intersecting the Nashville and Lebanon Turnpike Company's Road, at, or near Ralph Martin's, or at any point on which the Directors may agree.

SEC. 38. *Be it further enacted*, That the provisions of the act, incorporating the Lebanon and Tucker's Hill Turnpike Company, shall be applicable to the Pleasant Grove Turnpike Company, so far as the grade, obtaining stock, meetings, buildings and toll-gates of the same are expressed and declared.

SEC. 39. *Be it further enacted*, That the charter of the Lebanon and Lowe's Ferry Turnpike Company, be so amended, as that said Company shall not be required to metal their road more than fifteen feet, instead of sixteen feet, as declared; and that said road shall be built to with-

in five degrees of a level instead of four degrees, as heretofore expressed.

SEC. 40. *Be it further enacted*, That J. F. Davis, J. B. Virerate, J. F. Wallace, A. G. Hashreacher, Thompson Easterly, and J. A. Curd, are hereby constituted a body corporate and politic, by the name of the Silver Springs Turnpike Company; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and make all necessary rules and regulations for the successful operations of said Company, with full power to construct a Turnpike Road in Wilson county, beginning at, or near Silver Springs, running in a southerly direction, between Mrs. Brown's and Cadon Bass', crossing W. Bradshaw's lot, via Jonathan Easterly, J. F. Davis, James A. Curd's, intersecting the old Lebanon and Nashville Road, and with said road to the terminus at Pleasant Grove, with the privilege of erecting one gate at any point they may think best.

Silver Springs
Turnpike Co.

SEC. 41. *Be it further enacted*, That said Company shall be entitled to all the rights and privileges, and subject to the same rules and restrictions, as is the Statesville and Cainsville Turnpike Company, so far as may be applicable to and not conflicting with the expressed provisions of this act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 1, 1858.

CHAPTER 111.

AN ACT to incorporate the Franklin Typographical Union, and to amend the act of February 25, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed February 25, 1856, enacting that J. B. Moseley and others, associated with him, shall be a body corporate, under the name and style of the Franklin Typographical Union, with all the rights, powers and privileges conferred by the foregoing sections of this act, and that J. B. Moseley be appointed a Commissioner to open books and receive subscriptions thereto be amended as follows :

Commissioners

SEC. 2. *Be it enacted*, That a Company is hereby cre-

ated, with the title of the Franklin Typographical Union, in the city of Memphis, with a capital of fifty thousand dollars; and that the stock of said Company be divided into shares of twenty-five dollars each, and that books which have been opened by J. B. Moseley or John P. Pryor, as Commissioners, are legal and binding upon the stockholders who subscribed to the capital stock thereto, the same as though both had been specially named as Commissioners in said act.

SEC. 3. *Be it enacted*, That the subscribers to said stock, their heirs and assigns, are hereby created a body politic, by the name and style above mentioned, and in and by said style and name have power to contract and be contracted with; to sue and be sued; to have and use a common seal, and the same to alter or destroy at pleasure; to borrow money upon their bonds for such amounts, conditions, times, and rates of interest as may be agreed on by the parties; shall have power to elect all officers which the Board of Directors may deem necessary to carry on the purposes of the organization; to establish all by-laws, rules or regulations that may be deemed proper by the Directors; to purchase, hold, sell or exchange any amount of real or personal property, necessary or proper for the legitimate uses of said Franklin Typographical Union.

Election of
officers

SEC. 4. *Be it enacted*, That the books already opened; the subscriptions received to the capital stock of said Franklin Typographical Union, and the elections of officers and Directors, are valid and binding upon the stockholders; that the Directors shall elect a President of the Board from their own number, and have power to fill vacancies in the Board. The election of said Board shall be held each year, or at longer periods of time if the Board of Directors shall prefer, and the Directors and officers shall hold their offices until their successors shall be elected.

SEC. 5. *Be it enacted*, That every stockholder shall be liable for the full amount of stock by him subscribed, and the payment of the same in full, to the authorized agent of said Company, or in such amounts as may be deemed necessary by the Board of Directors. And when such amount of stock shall have been fully paid, the subscriber so having fully paid, shall be released from any further liability.

SEC. 6. *Be it enacted*, That the stock may be transferred by assignment, and the original stockholder and assignee shall be bound until the stock be fully paid in; and each stockholder shall be entitled to one vote for each share of stock held by him, which may be given in person or by proxy.

SEC. 7. *Be it enacted*, That this Company, hereby in-

corporated, shall have existence for the term of fifty years from the 25th February, 1856.

SEC. 8. *Be it enacted*, That the object and business of said Company, shall be to carry on and conduct a general printing and publishing establishment.

DANIEL S. DONELSON,
Speaker of the House of Representatives
JOHN C. BURCH,
Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 112.

AN ACT to supply the Circuit Court Clerks' offices, of Sevier and McMinn counties, with the State Reports.

WHEREAS, a fire occurred in Sevierville, Sevier county, Tennessee, which burnt the Court House in said town, and destroyed many valuable papers, and among other things, the Reports of the State, furnished to the Circuit Court Clerk's office. And whereas, the Clerk has since purchased a full set of said Reports, which he is willing to furnish for the use of said office at the price which he paid for them. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant in favor M. W. McCown, for the sum of one hundred and fifty dollars, to pay for the Reports mentioned in the preamble of this bill, and that said Reports be, and they are hereby declared the property of the Circuit Court Clerk's office of the county of Sevier. McCown.

SEC. 2. *Be it further enacted*, That the Comptroller is- s warrant on the Treasurer for the sum of one hundred and twenty dollars for the benefit of McMinn county, to supply the Reports which were burned by the burning of the Clerk's office in Athens, in 1853 or '4, said warrant to issue to John F. Slover, who is hereby directed to purchase Slover. such of the Reports, as were destroyed by said burning, for the use of the Circuit Clerk's office, of McMinn county.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 113.

AN ACT to incorporate Turner M. Lawrence College, at Alexandria, in DeKalb county, and for other purposes.

WHEREAS, Turner M. Lawrence, of the county of Wilson, has erected a large and commodious College building, at Alexandria, in DeKalb county, and having completed said building, now desires to donate it to the public for the purpose of educating the youth of the country, Therefore,

Turner M. Lawrence College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John F. Moore, William Floyd, Lewis Pendleton, Jesse Sewell, William B. Lawrence, John F. Goodner, O. D. Williams and J. L. Goodall, be, and they are hereby constituted a body politic and corporate, to be known as the Trustees of Turner M. Lawrence College; and by that name shall have perpetual succession, and a common seal, may sue and be sued, plead and be impleaded, in all the courts of law or equity in this State.

SEC. 2. *Be it further enacted*, That said Trustees and their successors by the name and style aforesaid, shall and may be competent in law, to have and to hold, to receive and enjoy, lands, tenements and hereditaments, of any kind or value, in fee simple, and personal estate of any kind or description whatever, or any sums of money which may be donated, granted or bequeathed to them, for the purposes of additional building, or enclosing, or in any other manner supporting the said Turner M. Lawrence College, or any of the branches therein taught.

SEC. 3. *Be it further enacted*, That said Trustees shall have full power and authority to elect a President, who shall be, *ex-officio*, President of the Board of Trustees; also to elect such other professors, teachers and officers of said College, as they may deem necessary; and the President and professors, when so elected, shall be constituted a Faculty, which shall have full power and authority to cultivate and teach the arts and sciences, general literature and philosophy, and all other various branches; also, to confer the Degrees of Bachelor and Master of Arts, or any other degree of literary or scientific distinction known or conferred in the United States, upon any student or person: *Provided*, such student or person shall have attained to such standard of moral and intellectual culture, as shall hereafter be required by said College.

SEC. 4. *Be it further enacted*, That a majority of said

Trustees shall constitute a quorum, to transact business, to form such by-laws, rules and regulations, for the government of said College, and the promotion of learning therein, as they shall deem requisite and necessary: *Provided*, such by-laws, rules and regulations, be not incompatible with the laws of this State. The corporation shall be governed in all things not herein expressed, by such by-laws and rules, as may be from time to time adopted.

SEC. 5. *Be it further enacted*, That said Trustees are authorized to receive said College, and are fully empowered to fill all vacancies that may occur in the Board of Trustees; and their successors are likewise empowered to fill vacancies from time to time, as they may occur.

SEC. 6. *Be it further enacted*, That no misnomer of said corporation, shall defeat any gift, grant or bequest, to said corporation; nor shall any misnomer or nonuser of the rights, liberties or privileges, hereby granted to said corporation, create or cause a forfeiture thereof.

SEC. 7. *Be it further enacted*, That the land on which said College is situated, together with the buildings, school fixtures, and appurtenances of said corporation, shall be exempt from taxation, both for State and county purposes.

SEC. 8. *Be it further enacted*, That Joel E. Davis and William C. Davis, and their successors, are hereby constituted a body politic and corporate, by the name and style of Grassland Academy; and in that name may sue and be sued, plead and be impleaded, purchase, hold and convey, real and personal property, confer all the degrees conferred by other chartered literary colleges and academies in this State, and make such rules and regulations as they may think necessary, not inconsistent with the laws of this State.

Grassland
Academy.

SEC. 9. *Be it further enacted*, That Dr. J. S. Davidson, Col. M. P. Gentry, Joseph Trice, Benjamin Mosely, Miles Phillips, D. J. Low, John S. Brown, James H. Curtis, Jr., John F. Brown and William R. Smith, and such other citizens as may have subscribed money for the erecting of said academy building, be, and the same are hereby incorporated a body politic and corporate, by the name and style of Richmond Male Academy, and by that name may sue and be sued, plead and be impleaded, hold and convey property, both real and personal, make by-laws, have and use a common seal, and do and perform all other acts which incorporated literary institutions are ordinarily empowered to do and perform, not inconsistent with the Constitution and laws of this State, or of the United States.

Richmond Male
Academy.

SEC. 10. *Be it further enacted*, That the subscribers to building said Academy, may elect a Board of Trustees,

under such rules and regulations as they may agree upon. That the first Board of Trustees shall be composed of Dr. J. S. Davidson, Col. M. P. Gentry, Joseph Trice, Benjamin Mosely, Miles Phillips, D. J. Low, John S. Brandon, James H. Curtis, Jr., John F. Brandon and William R. Smith. That said Institution shall be located in Richmond, in the county of Bedford.

SEC. 11. *Be it further enacted*, That the property of said Academy, used for the purposes of a school, so long as it may be so used, shall be exempted from State and county taxes.

SEC. 12. *Be it further enacted*, That L. J. McSwein, E. L. Sanders, R. F. Cox, L. Sanders, Jr., B. E. Hopper, Thomas Dowling, George W. Hill, J. D. Castellow, F. M. Sangster, Andrew J. Dawson, John Cocke, T. M. Perkins, E. H. Crook, E. F. Baben, C. J. Black, P. H. Marr, J. W. Waddell, and those associated with them, and their successors, be, and are hereby incorporated and made a body politic, by the name and style of the Ciceronian Society of Madison College, Tennessee, for the purpose of mutual improvement in the arts, sciences, and general literature, with full power to form and adopt a Constitution and by-laws for its government: *Provided*, the same is not inconsistent with the government of said College, the Constitution and laws of the United States, and State of Tennessee.

SEC. 13. *Be it further enacted*, That the above corporation be, and is hereby invested with such other powers as are common to other literary incorporations.

SEC. 14. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 114.

AN ACT to incorporate Athens Manufacturing Company, the Huntington Manufacturing Company, the Rio Milling and Manufacturing Company, in Bedford county, the Lauderdale Manufacturing Company, and the Farmers' Manufacturing Company, in Boone county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John A. Gouldy, Sam. P. Ivins, Richard M. Fisher, Thomas A. Cleage, John F. Slover, Benjamin Wells, Daniel W. Robison, Joseph Mc-

Culley, Stephen R. Reeder, and A. D. Keys, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Athens Manufacturing Company, for the purpose of manufacturing, using, vending and disposing of articles, implements, vessels, tools, goods, machinery or other valuable and useful things made of wood, iron steel, copper, leather, or other material, and for making lumber and preparing it for building or other purposes, and for erecting buildings, and other improvements or fixtures, to continue in existence to them and their successors, for the term of ninety-nine years. Said Company may erect all necessary buildings for the purpose of their business, and acquire and hold all needful machinery and apparatus; may, by said corporate name, sue and be sued, plead and be impleaded, prosecute and defend in any court of law or equity, in all suits and proceedings; may have a common seal, and the same alter or renew at their pleasure; may take, hold, mortgage, convey or transfer any real or personal property necessary for their business, or take in payment as security for debts due the Company, but not otherwise; may make by-laws for the government of the Company, and have such other powers as are incident to manufacturing corporations.

Athens Manufacturing Company.

Powers, &c.

SEC. 2. The capital stock of said Company shall consist of not less than three thousand dollars, nor more than fifty thousand dollars, in shares of twenty-five dollars each; said Company may organize and commence whenever three thousand dollars are subscribed, and may increase their capital by additional subscriptions, from time to time, to the maximum aforesaid.

Capital stock.

SEC. 3. The corporators named in the first section, or a majority of them, may act as Directors in organizing the Company, and for the first year, or until the stockholders have a general meeting, when they shall elect a Board of five Directors, and thereafter they shall elect Directors, annually, at their place of business, in Athens; but a failure to elect annually, at any time, shall not work a forfeiture, but the then existing Directors shall act on until others are elected. The Directors shall elect one of their number President, and may appoint a Secretary and Treasurer, such other officers, operatives and agents as they deem proper, and fix their compensation or wages.

Directors, &c.

SEC. 4. The Directors may sue any delinquent stockholder, for default in payment of his stock, or any part remaining due, according to the terms of the subscription, or regulations of the Company, or may declare a forfeiture of such stock, with the payment thereon, and issue said stock to other stockholders; and defaulting stockhold-

Delinquent stockholders.

Dividend.

ers shall be liable to creditors of the Company for such amount as they may owe on their subscriptions to the stock of the Company, to be personal property and transferrable only on the books of the Company. No dividends of profits shall be made and paid to the stockholders, calculated to defeat or lessen the security of creditors of the Company, when the Company is unable to meet its liabilities, according to the contract; and the Directors ordering and authorizing and directing such payment of dividends, shall be liable, individually, to creditors, for the amount of such dividends, to be recoverable by suit, in any court having jurisdiction in such case.

Huntingdon
Manufacturing
Company.

SEC. 5. *Be it further enacted,* That John Norman, A. C. McNeil, John Mabine, Yancy Bledsoe, Thomas E. Jones, Jacob Humble, C. L. Woods, J. M. Riggs, David Bell, R. J. Johnson, L. A. Williams, A. D. Bennett, B. J. Brevard, B. F. Harrison and J. W. Allen, and their successors, be, and they are hereby incorporated a body politic, under the name and style of the Huntingdon Manufacturing Company, and by that name may have all the rights, powers and privileges, given to the Athens Manufacturing Company.

Commissioners.

SEC. 6. *Be it further enacted,* That John Norman, B. F. Harrison, A. D. Bennett, be, and they are hereby appointed Commissioners, to open books and obtain subscriptions to said Company.

Rio Manufacturing
Company.

SEC. 7. *Be it enacted,* That Jonathan Huggins, W. S. Huggins and B. A. Ransom, of Murfreesboro', Tennessee, their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the Rio Milling and Manufacturing Company, for the purpose of manufacturing and vending flour, meal, and other articles, and by that name may sue and be sued, plead and be impleaded, prosecute and defend, in any court of law or equity, in all suits or actions; may have a common seal, and the same alter or renew at pleasure; and may enjoy all the powers and privileges incident to corporations, for the above specified purposes, and may purchase, hold, transfer and convey, real and personal estate.

Shares, &c.

SEC. 8. *Be it enacted,* That said corporation may divide their original stock into shares of one hundred dollars each, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, and may levy and collect assessments, profits, and sell delinquent shares in said Company, in such manner as their by-laws may direct; each share shall be entitled to a vote by proxy, or otherwise, in all elections for Directors, officers, &c.

SEC. 9. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, or a majority of them, in person, or by proxy, in the town of Murfreesboro', Rutherford county, Tennessee, at such time and place as they may select; at such meeting a Board of Directors may be chosen from among the stockholders, by a vote of a majority of the stock, by the stockholders present at such meeting, and through their own body select an agent—when said agent shall take charge of the property and operations of the Company, subject to such rules and regulations as may be adopted by their by-laws. That said President or Directors shall hold their office one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the Company as they may deem expedient.

Meeting of stockholders.

SEC. 10. *Be it enacted*, That the Agent and Directors shall cause books to be kept, containing the names of all persons who are stockholders in said Company, showing their places of residence, and the number of shares of stock held by each respectively, and the time they became owners of said shares, and the amount of stock actually paid in, which book shall be open during the usual business hours of such day, at the place of business for said Company, for the inspection of stockholders and creditors of said Company, and their representatives.

Shares.

SEC. 11. *Be it enacted*, That William Spencer, Joseph Spencer, Louis Garner, E. H. Jones, A. M. Alexander, Thos. C. Black, L. H. Carney, Wm. Hunter Smith, D. H. C. Spencer, Benjamin Johnson, W. A. Ransom, Thomas O. Butler and A. G. Mitchell, are hereby appointed Commissioners to open the books for the sale of stock in said Company.

Commissioners.

SEC. 12. *Be it enacted*, That Joseph B. Clay and such other persons, as they may choose to associate with them, and their successors, are hereby incorporated and constituted a body politic and corporate, in fact and in name, to be known by the name and style of the Lauderdale County Manufacturing Company, to have succession for ninety-nine years, for the purpose of manufacturing cotton, and woolen goods, or either, and for the establishment of flouring or grist mills; and by that name they and their successors shall be, and are hereby made capable in law, of suing and being sued, pleading and being answered unto, in all courts whatsoever, and of having and using a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law, to purchase

Lauderdale County Manufacturing Co.

and hold any land or tenements, goods or chattels, necessary or convenient for carrying on the manufacturing purposes aforesaid, and the establishment of grist mills as aforesaid, if the Company desire it, and the same to use and employ, grant and dispose of, as they may deem proper, and to have all the rights and privileges pertaining to corporate bodies, necessary for the purpose of their incorporation.

Capital stock. SEC. 13. *Be it enacted*, That the capital stock of said Company, shall be twelve thousand dollars, and the same may be extended to one hundred thousand dollars, which shall be divided into shares of fifty dollars each.

Shares. SEC. 14. *Be it enacted*, That said Company may allot and divide the different shares among themselves, as they may see proper; and the books of said Company shall show what amount of stock is owned and held by each stockholder; and any stockholder may transfer upon the books of said Company, such stock as he or she may own in said Company, in such manner as may be prescribed by the by-laws of said corporation.

Directors. SEC. 15. *Be it further enacted*, That the capital stock, property and business of said corporation, shall be managed by five Directors, being stockholders, to be elected as aforesaid, and they shall hold their office for one year, and until others are elected and qualified in their places, and the stockholders may vote, either in person or by proxy, and all elections shall be by ballot, allowing each share one vote. The stockholders shall appoint three persons from among themselves, to be inspectors and judges of the first election; and the said Directors, when elected, shall choose one of their number President; and the President and Directors, annually, thereafter, by public notice as aforesaid, shall call meetings of the stockholders, for electing Directors of said Company, and shall appoint three stockholders as inspectors and judges of elections; and if the President and Directors shall fail, refuse or neglect, to call annual meetings, for the election of Directors, as herein prescribed, the stockholders, or a majority of them, may give the notice, call meetings, and elect Directors, in like manner as if the said President and Directors had given notice, as prescribed in this act. But if it shall happen that two or more stockholders have an equal number of votes, then the Directors for the time being, shall, by ballot, determine which of said stockholders shall be Director or Directors; and the said President and Directors, or a majority of them, may, from time to time, make, ordain and create such by-laws and regulations, for the government of said corporation, in its proceedings, and for the management of the

Election of officers, &c.

stock and property of said Company, as may by them be deemed necessary and convenient: *Provided*, the same be not repugnant to the Constitution and laws of this State, or of the United States. And the said President and Directors, or a majority of them, may appoint such agents, clerks and secretaries, as they shall think proper and useful for the purposes of said Company, and may take of them such bond or bonds, with security, for the faithful performance of the duties assigned them, as shall be thought necessary—allowing said agents, clerks and secretaries, such compensation as shall be agreed upon, and may remove them, or any of them, at pleasure. And if any vacancy shall happen among the Directors, by death, resignation or otherwise, such vacancies may be filled until the next annual election, by such person or persons as the other Directors may appoint.

President and Directors—powers, privileges, &c.

SEC. 16. *Be it enacted*, That if it should happen, that an election of Directors should not be made on the day designated in the notice, the said corporation shall not, for that cause, be deemed dissolved, but it shall and may be lawful to hold an election for Directors, on some other designated day, of which notice may be given.

SEC. 17. *Be it enacted*, That a dividend of the profits of said corporation shall be made annually or semi-annually, as shall be thought best by said President and Directors, among the stockholders, and that the Directors may make such calls for stock due, as the stockholders may direct or the interest of the corporation demand.

Dividend.

SEC. 18. *Be it enacted*, That said President and Directors, shall keep or cause to be kept, proper books of account of the business and affairs of said Company, which shall be subject at all times to the inspection of each and all of the stockholders; and the President and Directors, on going out of office, shall account to their successors, and pay over all monies, assets and effects of the Company, in their hands.

Book accounts, &c.

SEC. 19. *Be it further enacted*, That J. B. Clay, H. Partee, J. W. Sanders, Jo. C. Manly and J. M. Alexander, be, and they are hereby appointed Commissioners, to open the books for the purpose of receiving subscriptions of stock, as is herein provided by this act.

Commissioners

SEC. 20. *Be it enacted*, That B. B. Lenoir, N. A. Patterson, Wm. S. McEwen, Wm. Lenoir, M. L. Patterson, J. G. Smith, J. P. Lenoir and G. W. Yost, and their associates, successors and assigns, are hereby constituted a body politic and corporate, under the name and style of the Farmers' Manufacturing Company, for the purpose of manufacturing

Farmers' Manufacturing Co.

such implements, machines and devises, as are used and employed in agricultural and horticultural pursuits, and to continue in existence to them and their successors, as aforesaid, for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure; to make such rules and by-laws, not inconsistent with the laws of Tennessee, or of the United States, as may be deemed necessary for its government and control; to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, and to dispose of the same, any property, personal, real or mixed, which may become useful or expedient, or which it may become possessed of, in payment of debts to it, in whole or in part.

Capital stock.

SEC. 21. *Be it enacted*, That the capital stock of said Company shall not consist of less than ten thousand dollars, and may be increased to one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, transferrable only on the books of the Company, and only with the consent of a majority of the stockholders, or of the Board of Directors, by them chosen or appointed, unless the whole of said stock shall have been paid up in full, and the said stockholders not otherwise indebted to the Company. The amount of capital stock may be taken by the corporators hereinbefore mentioned, or they, or their successors, at any time hereafter, may open books for subscription of stock, in the usual manner: *Provided*, however, that said corporation or stockholders, before organizing under this act, after giving twenty days' notice in some newspaper, in the State, the amount of not less than ten thousand dollars of stock having been taken or subscribed, shall proceed to elect one of their body President, and Board of not less than three Directors, whose term of office shall continue one year, and until their successors in office are elected, which President and Directors shall control and manage the practical operations of the Company.

Forfeiting of stock.

SEC. 22. *Be it enacted*, That the corporators aforesaid, or stockholders of said Company, shall have power to declare forfeited to it, any stock that remains, in part or in whole, unpaid to it, by giving the stockholder, or his representative, thirty days' notice of such contemplated action.

SEC. 23. *Be it enacted*, That said corporators or stockholders, shall be individually bound to creditors of the Company, each to the extent of his stock remaining unpaid, and that the President and Directors shall be personally liable to the stockholders, for any amount of dividends declared and paid by them to stockholders, whilst undischarged liabilities of the Company remain unpaid.

SEC. 24. *Be it enacted*, That said corporators or stockholders, for each share taken and held, shall be entitled to one vote in all elections held, or business, by ballot, of the Company; and by majority shall determine the location for business, the same not to be changed, unless with the concurrence of two-thirds of the votes of the stockholders of the Company.

SEC. 25. *Be it enacted*, That there is hereby incorporated a company to consist of Gen. John B. Rogers, and such others as shall be or may be associated with him, for the transportation of stone coal to market, from the county of Fentress, to be known as the Real Del Monte Double Top Coal Mines Company. Said Company shall possess the same powers and privileges extended to the Tennessee and New York Mining and Manufacturing Company, by an act passed on the 26th day of January, 1838.

SEC. 26. *Be it enacted*, That Thomas Turney Ferguson and John G. McLemore, and their associates and successors, are hereby constituted and incorporated a body politic and corporate, to continue and have succession, by the name and style of the American and English Tennessee Coal and Iron Mining and Manufacturing Company, for the purpose of exploring and ascertaining mines of iron, coal and other ores, metals and minerals, and for smelting, manufacturing, transporting and vending the same; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, and prosecute to final judgment in any court, or elsewhere; with power and authority to have and to use a common seal, and alter and renew the same at will; to make, ordain, establish and put in execution, any and all by-laws, rules, regulations, not inconsistent with this act, the laws of this State, and of the United States, which it may deem useful and necessary for the management and government of the concerns of said Company, in its said corporate name and capacity, and with power and authority to purchase and acquire, receive in donation, rent, hold, possess and enjoy all such real and personal estate, and all mining privileges and rights of way, which may be useful or necessary for carrying on its operation, or which it may become possessed of in payment of debts due to it; and use, occupy, lease, let, sell, mortgage, transfer, alienate and convey, or otherwise dispose of the same, or any part thereof, with all the rights, powers and privileges necessary for it as a separate incorporate Company.

SEC. 27. That the capital stock of this Company shall consist of ten thousand share, of one hundred dollars each, which shall be deemed and held in law, as personal prop-

Shares.

Real Del Monte
Coal Co.,American and
English Tennes-
see Coal and
Iron Company.Powers, privi-
leges, &c.

Capital stock.

erty, transferrable only on the books of said Company, and which shall be subscribed for and paid for in such manner as said Company shall prescribe by their by-laws; and the said shares shall be registered in a book, to be opened and kept by said Company.

SEC. 28. That the said Company may, from time to time, increase their capital stock, in such manner and form, as it shall to any sum it may deem necessary or advisable, not exceeding two millions of dollars, and shall have power to sell, dispose of, or take subscriptions for such increase and additional stock, in such manner and form, and at such time and place, and on such terms as it may deem proper to order and prescribe.

Building roads,
turnpikes, &c.

SEC. 29. That the said Company may erect, and carry on such mills, and manufactories, and suitable buildings, and may construct such railroads, turnpikes and other roads, as it may deem proper and necessary for the successful management of its business, or to connect its mines, manufactories or lands, with any railroads or other roads, or navigable water course or courses in the State of Tennessee.

SEC. 30. That the said Company shall have power to appoint any one or more of its members, or other person or persons, to manage, control and direct the business of said Company, according to the by-laws, rules and regulations of said Company: *Provided, however,* that said Company shall not be allowed to construct any railroad or turnpike of greater length than ten miles, and that subject to damage at the suit of any party injured through whose land the same may run.

Holston Furnace
Company.

SEC. 31. *Be it further enacted,* That Henry J. Miliker, John A. Patton and S. K. N. Patton, and their associates and successors, are hereby constituted and appointed a body politic and corporate, by the name and style of Holston Furnace Company, for the purpose of mining iron, coal and other ores and minerals, and for manufacturing the same; to manufacture any and all descriptions of iron castings, tools, vehicles and implements of husbandry, to saw lumber and to manufacture any description of household furniture, to build water crafts of any description, to manufacture flour and meal, and to vend the same, to build such wagon roads, not exceeding ten miles in length, as they may find necessary to carry on their business, but not over the land of other persons until they shall have procured the right of way by consent. They shall also be liable to suit and damages, as now provided by law in similar cases. And to continue in existence to them and their successors for the period of ninety-nine years, with power

to adopt and use a common seal, and to alter or change the same at pleasure; to make such by-laws, not inconsistent with the laws of the State of Tennessee, or of the United States, as they may deem proper and necessary for the management of the business of the Company; to sue and be sued, plead and be impleaded; to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be thought useful or necessary for carrying on the operations of the Company, or which it may become possessed of, in payment of debts due to it.

SEC. 32. The capital stock of the Company shall be twenty thousand dollars, and divided into shares of not less than twenty-five dollars each, the number and value of the shares to be fixed by the Company, at their first meeting, under this act; the stockholders shall have power to increase the capital stock of the Company to any amount not exceeding five hundred thousand dollars, the stock to be subscribed and paid for as the Board of Directors may prescribe. The shares shall be considered personal, and shall be transferred only on the books of the Company, in person or by attorney. Capital stock.

SEC. 33. *Be it enacted*, That the corporators in this act, may, at their first meeting, be constituted a Board of Directors for the term of one year, and until their successors are elected, in this State; at any annual meeting of the Company, the number of Directors for the Company may be increased by the stockholders, but not to exceed seven. The annual meetings of the Company shall be held at such time and places as the Board of Directors may determine from year to year; at each annual meeting of the Company a Board of Directors shall be chosen for the ensuing year. Stockholders shall be entitled to vote in person or by proxy, and each share of stock shall count one vote; in case of failure to elect a Board of Directors, the charter of the Company shall not be forfeited thereby. The Directors shall elect one of their number President of the Company, and shall appoint such other officers and agents as they may deem proper, and affix their salaries. Board of Directors, &c.

SEC. 34. *Be it enacted*, That all stockholders not having paid for their stock, according to the terms of subscription, shall be personally liable to the creditors of the Company to the amount so remaining unpaid. The Directors shall also be liable to the creditors of the Company for any amount they may declare and authorize to be paid to the stockholders, as dividends, when the Company shall be unable to pay the debts then due by it. To avoid such liability on the part of any Director, he must enter, or

cause to be entered on the minutes of the Board, his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 35. *Be it enacted*, That the said Company shall not contract any debts, over and above the amount of the capital stock paid in, no part of which shall be withdrawn, or in any way or manner diverted from the business of the Company, without the consent, in interest, of three-fourths of the stockholders.

SEC. 36. *Be it enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 6, 1858.

CHAPTER 115.

AN ACT for the relief of Calvin Adkins, of the county of Anderson; for the benefit of the county of Hamilton, and for the benefit of John Humphreys of Carter county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be, and he is hereby authorized and directed to issue his warrant on the Treasury, in favor of Calvin Adkins, of the county of Anderson, for the sum of fifty dollars, being the amount of reward paid by said Adkins, to Stokely D. Whilton and others, for the recapture of Leroy Graham, who had escaped from the jail of said county.

Calvin Adkins.

SEC. 2. *Be it further enacted*, That the Comptroller be, and he is hereby directed, to issue his warrant upon the Treasurer, for the sum of six hundred dollars, in favor of the county of Hamilton, for certain money paid out and expended by said county, in guarding the jail at Harrison, in which certain prisoners were confined for felony, from November, 1856, until March, 1857. And that said warrant be issued to Calvin J. Ewing, Chairman of the County Court of Hamilton county, or to his order.

Hamilton county.

SEC. 3. *Be it further enacted*, That John Humphreys, of Carter county, be permitted to adopt David French, as his own child; which is hereby declared to be done; and the same rights and benefits are hereby, and by virtue of

J. Humphreys.

such adoption, conferred upon said David, as he would be entitled to, had he been the born child of said John Humphreys in lawful wedlock ; that he be entitled and capable of inheriting or succeeding to the real and personal estate of said John Humphreys, as fully as if born his legitimate child ; and that his name be, and the same is hereby changed from David French to David Humphreys.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 8, 1858.

CHAPTER 116.

AN ACT to incorporate the East Tennessee Medical Society, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the act passed, February 27, 1856, chapter 121, section 11, be so amended as to strike out all after the words, "*Be it enacted*," and to substitute therefor the following : That R. H. Hodson, of Sevier, Samuel Pride, of Blount, James Rodgers, Richard O. Currey and O. F. Hill, of Knox, John L. Atlee, of McMinn, J. G. Brown, of Bradley, John G. James, Milo Smith, Elias Beal, Wm. S. Bell, of Hamilton county, Dr. — Blackburn, J. M. Burnett, J. G. Pepper and Dr. — Simpson, of Jefferson county, and such others with whom they may choose to be associated, be, and they are hereby incorporated as a body politic, by the name and style of the East Tennessee Medical Society, and by that name may sue and be sued, plead and be impleaded. Said Corporation shall have all the powers granted to the Medical College in the city of Nashville, passed November 13, 1849, and shall have the usual powers granted to such corporations, to pass by-laws and enforce them. Said Corporation shall have succession for ninety-nine years.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 8, 1858.

CHAPTER 117.

AN ACT to incorporate the Clifton Masonic Academy ; Station Camp Academy, and Cumberland Lodge No. 8, of Free and Accepted Masons, in the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the town of Clifton, in Wayne county, an Institution of learning, to be known under the name and style of Clifton Masonic Academy.

Clifton Masonic
Academy.

SEC. 2. *Be it enacted*, That the power herein granted, for the government of this Academy, shall be, and is vested in Clifton Lodge, No. 173, of Free and Accepted Masons, who shall constitute the Board of Trustees, and by the name and style of the Board of Trustees of Clifton Masonic Academy, shall have perpetual succession, and for permanent establishment of said Academy, shall be the proprietors of all personal and real estate, and property belonging to said Institution of learning, and with their successors, are hereby declared to be a body politic and corporate, by the name and style aforesaid, and shall be liable to sue and be sued, plead and be impleaded, in all courts of law and elsewhere; and purchase, hold or sell estate, both personal and real, and to receive the same by gift or devise, in trust for the purpose of education; and may have a common seal, and also ordain, establish and put in execution, such laws and regulations, for the purpose of transacting the business of and for the governing and conducting said Academy, as shall appear to them proper and necessary: *Provided*, the same shall not be inconsistent with the Constitution and laws of this State or the Constitution of the United States.

Certificates.

SEC. 3. *Be it enacted*, That in order to aid in the endowment of this Institution, it may be lawful for the Trustees to issue and grant certificates of scholarship to individuals, companies and associations, or Lodges, setting forth the amount of scholarship, which may be limited or perpetual, and upon such condition the Lodge may determine, entitling the holder of such scholarship to such rights as to placing pupils in the school, and upon such terms as may be set forth on their face, which said certificates of scholarship may be transferred, bequeathed or otherwise disposed of as other property.

SEC. 4. *Be it enacted*, That this Institution, as a Masonic school, shall never be transferred to any body or association, but if at any time the charter of Clifton Lodge, No. 173, shall be forfeited or surrendered to the R. W.

Grand Lodge of the State of Tennessee, this Institution, with its chartered rights, shall be vested in said Grand Lodge: *Provided*, said Grand Lodge shall never remove it nor transfer any part of its funds, or in any way divert it from its original design and intention, or dispose of the same.

SEC. 5. *Be it enacted*, That the Trustees aforesaid, shall elect a Board of Supervisors of their own body. This Board shall consist of seven members, who shall be elected immediately after the passage of this act, who shall continue in office until the stated meeting in June, at which time a new Board shall be elected, and thereafter a new Board shall be elected annually. The Lodge failing to elect the Board as above mentioned, may elect them at any subsequent stated meeting. Four members of the Board of Supervisors shall constitute a quorum for transacting business, and shall so soon as elected by the Lodge, elect a President, Secretary and Treasurer.

SEC. 6. *Be it enacted*, That the Board of Supervisors shall nominate Trustees to fill the offices of Principal, Assistant Tutors, &c.

SEC. 7. *Be it enacted*, That the Board of Supervisors shall have full power to grant diplomas or such other certificate of scholarship to such of its pupils as may be adjudged worthy, which shall be signed by the elected officers of the Lodge, the Board of Supervisors and the Principal of the Academy, and shall have such other power, and perform such other duties as shall be prescribed in the laws and regulations for the government of the Institution.

SEC. 8. *Be it enacted*, That if at any time a surplus fund shall accrue, after meeting expenses and paying outstanding liabilities, the same may be applied at the option of the Lodge.

SEC. 9. *Be it enacted*, That the building now erected for this School and for a Hall for the use of said Lodge, and all others erected on the same ground or lots, together with the ground, be for ever free from State and county tax, as made and provided in such cases.

SEC. 10. *Be it enacted*, That an Academy is hereby incorporated in the county of Sumner, to be known by the name of the Station Camp Academy, and John F. Cage, J. G. Webb, A. C. Franklin, H. F. Anderson, J. N. Guthrie, A. G. Douglass, John W. Franklin, R. B. Douglass, and J. A. Vaughn, and their successors, be, and they are hereby appointed and constituted a body politic and corporate, by the name and style of the Trustees of Station Camp Academy, and by such name, may sue and be sued, plead and be impleaded, and have succession for fifty years, and ac-

Board of Supervisors

Power, &c.

Station Camp Academy.

quire property, real and personal, which may be necessary for the organization and carrying on said Academy, and hold and sell and convey the same, and enjoy all such rights as are usually possessed and exercised by other incorporated Academies of this State.

Quorum.

SEC. 11. *Be it enacted*, That any five of said Trustees shall constitute a quorum for the transaction of business, and are authorized to elect a President and all officers necessary for the management of the Institution, and may make such rules and by-laws as they may deem necessary, not inconsistent with the laws of this State.

SEC. 12. *Be it enacted*, That upon the death, removal, resignation or refusal to act, the remaining members may elect some person to fill all such vacancies.

Cumberland
Lodge, No. 8.

SEC. 13. *Be it enacted, by the authority aforesaid*, That John McClelland, W. M. Williams, H. Tindall, S. W. and James H. McDonald, J. W., and their successors in office, be, and are hereby incorporated a body politic, under the style and name of Cumberland Lodge, No. 8, of Free and Accepted Masons of the city of Nashville, Tennessee, and as such, shall have a common seal, alter, renew and change the same at pleasure; the power to purchase, hold and own real estate and personal property, with the right and privilege to barter, exchange and sell the same under the restrictions hereinafter mentioned; to improve the same by building or otherwise, and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend in all suits and actions whatever, in law or equity, and enjoy all the privileges incident to corporations, not inconsistent with the laws of the United States or the State of Tennessee.

Trustees.

SEC. 14. That said Cumberland Lodge, No. 8, may appoint five Trustees, and have the power to remove any or all of said Trustees and appoint others at pleasure, who shall take charge of any property, money and funds that it may designate and thereto belonging; and such Trustees shall further constitute and become the building committee for said Lodge; who shall be vested with full power to make contracts, employ agents, workmen, architects, &c., &c., in the name of said corporative body, for the purpose of erecting a Masonic Hall in the city of Nashville.

Issue bonds.

SEC. 15. That said incorporate Lodge shall have power to issue its bonds under its seal, signed by its presiding Master and Wardens, to the amount of forty thousand dollars, in such sums, and at such times, with the privilege of renewal at pleasure, as it may from time to time designate, for the purpose of erecting said Masonic Hall in the city of Nashville; which bonds, so issued, shall bear six per cent.

interest, payable annually or semi-annually, and they shall be, and are hereby made a lien upon the ground and premises upon which said Hall may be hereafter located, which lien shall have priority over all other liens in law or equity, of whatever nature or kind.

SEC. 16. That the rents and revenue arising from the sales, lease or barter of any of the property belonging to said Lodge, that shall remain after paying all the expenses incident thereto, for repairs or otherwise, shall constitute and be held a sinking fund, for and to be appropriated to the payment of such bonds as may be issued by said Lodge, under the fifteenth section of this charter, in such way and manner as said Lodge may direct.

SEC. 17. That said Trustees and Building Committee shall have the power to make such rules and by-laws, to govern and regulate their acts, as they may elect, not inconsistent with this charter and the instruction of said Lodge.

SEC. 18. That said Cumberland Lodge, No. 8, shall have and enjoy perpetual succession and privileges granted in this charter, so long as the same shall continue to be, and remain as now, a charitable and benevolent institution, and a subordinate Lodge of the Grand Lodge of Free and Accepted Masons of the State of Tennessee.

SEC. 19. *Be it further enacted*, That this act shall have effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 8, 1858.

CHAPTER 118.

AN ACT to amend an act, entitled An act to charter the Northwestern Railroad Company, and other acts amendatory thereto.

WHEREAS, the Southwestern Railroad is an extension of the McMinnville and Manchester Railroad, in the direction of Danville, Ky.: And whereas, said Southwestern Railroad is under contract from McMinnville to Livingston, a distance of sixty miles, and the first section of thirty

miles is being now rapidly constructed by an efficient force, which has been employed for a considerable time on said road, and a considerable portion of said road is now already graded; Therefore, as the McMinville and Manchester Railroad is completed, and in operation for the distance of about thirty-five miles, and Southwestern Railroad being a continuation of the same: Therefore, to enable the Company to complete the road at an early day, and the more effectually to secure the interest of the State in the McMinville and Manchester Railroad by extending it, and thereby making it more profitable: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That as soon as the Southwestern Railroad Company shall grade and prepare fifteen miles of said road for the iron rails, commencing at McMinville, the terminus of the McMinville and Manchester Railroad, it shall be the duty of the Governor to issue to said Company coupon bonds of the State, according to an act, entitled An act to establish a system of internal improvements in this State, and acts amendatory thereto, agreeable to the provisions, and upon the same conditions and restrictions as are presented in said act, requiring bonds to issue to the Company of the Railroad, and the several other Railroad Companies mentioned in said act of February 11, 1852, and the acts amendatory thereto.

SEC. 2. *Be it further enacted*, That for each succeeding section of fifteen miles of said Southwestern Railroad that may be graded and prepared for iron rails, it shall be the duty of the Governor to issue the bonds of the State to the Southwestern Railroad Company, upon the same conditions and restrictions mentioned in this act.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 8, 1858.

State aid.

Southwestern
Railroad Co.

CHAPTER 119.

AN ACT for the benefit of the Widow of Hon. A. M. Savage.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be authorized to issue his warrant upon the Treasurer, payable to the widow of Hon. A. M. Savage, late member of the House of Representatives of the Legislature of this State, for the amount of balance of *per diem* that would have been due him if he had lived until the close of the present session of the General Assembly.

SEC. 2. *Be it further enacted*, That said warrant shall issue immediately after the adjournment of the present session of the General Assembly.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 120.

AN ACT to incorporate the Lewisburg Turnpike Company; and to incorporate the Elkton and Prospect Turnpike Company; and the McMinnville and Bearssheba Springs Turnpike Company, and to amend the act passed the 25th of February, 1852, incorporating the Murfreesboro' and Liberty Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers of stock for building a road from Lawrenceburg, Lawrence county, to the Central Turnpike Road, passing through said county in a northern direction towards Mount Pleasant, as in this act provided, shall constitute a body corporate and politic, by the name of the Lawrence Turnpike Company.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be ten thousand dollars, in shares of twenty-five dollars each, but if a greater sum become necessary to complete the road, the Board of Directors may raise the capital to the necessary amount: *Provided*, it shall not exceed thirty thousand dollars. Capital stock.

SEC. 3. *Be it further enacted*, That William Chaffin, Richard H. Allen, Daniel Bentley, Wm. Simonton, Solon E. Rose, Leonidas M. Bentley, Isaac W. Alford, Brice M.

Moore, L. Mino and John A. Hagan, are appointed to receive subscriptions to the capital aforesaid.

SEC. 4. *Be it enacted*, That as soon as two thousand dollars are subscribed, the Commissioners shall appoint a meeting of the subscribers at Lawrenceburg, Lawrence county, giving said subscribers for stock due notice of said meeting; the stockholders, or as many of them as shall assemble, shall elect seven directors, each of whom shall be a stockholder; each shall have as many votes as he has shares, as well in the election of Directors as in all other matters in which, by this act, he may be entitled to vote; he may vote in person or by proxy, the proxy to be a stockholder, authorized in writing, conferring the general power to vote as his representative, or a special power to cast his vote in the particular way directed.

Directors.

SEC. 5. *Be it enacted*, That the Directors first elected, shall continue in office six months, when the second election shall be held, and ever afterwards elections shall be held on the same day every year, at Lawrenceburg, unless a majority of the stockholders shall at any meeting designate a different place for the succeeding election. If at any time there should be a failure to make an election at the regular time, the Directors in office shall continue in office until their successors are elected.

SEC. 2. *Be it enacted*, That when assembled as aforesaid, on every occasion, in pursuance of the call of the Directors, the stockholders may decide upon any matter of interest to the Company, and the Directors shall carry the same into effect.

Quorum.

SEC. 7. *Be it enacted*, That to constitute a quorum at any meeting of the stockholders, a majority of shares shall be represented: *Provided*, that the Directors shall call meetings of the stockholders whenever, in their opinion, the interest of the Company may require it, and that five Directors shall constitute a quorum for business.

SEC. 8. *Be it enacted*, That on the election of the first Directors, they shall proceed to receive subscriptions for the necessary amount of stock; have the road surveyed, and do whatever else may be necessary and proper, to have said road built; they shall elect one of their number President, and shall elect such other officers as they may think necessary.

Shares.

SEC. 9. *Be it enacted*, That not more than five dollars shall be called on each share at any one time, of which the stockholders shall have twenty days notice.

SEC. 10. *Be it enacted*, That if any stockholder shall fail to pay any call, his stock may be sold by order of the Di-

rectors for the amount of the call or calls that may be due, and the purchaser of it shall have all the rights, and be subject to all the liabilities of the original subscribers. If it does not bring the amount, the original owner shall be liable to suit for the balance; and it shall be the duty of the President of the Board of Directors, to cause suit to be forthwith instituted for the collection of said balance, under the penalty of himself being personally liable for said balance, unless by the order of the Board, not to institute such suit.

SEC. 11. *Be it enacted*, That any person over whose land the road may run, may petition the Circuit Court, whereupon the Court shall order the Sheriff to summons a jury of five freeholders to assess the damages, taking into view the benefit the petitioner will derive from the road, or upon the return of the report to the Court, if confirmed, judgment shall be rendered, and execution shall issue.

SEC. 12. *Be it enacted*, That timber, gravel, stone, or either, may be taken by said Company, or its agents, from ^{Road.} any land adjacent or convenient to the road, for the making and repairing thereof; or if damages are claimed therefor, they shall be recovered as provided for in section thirteen: *Provided further*, that the President and Directors may purchase and hold twenty-five acres of land adjacent to each toll-gate.

SEC. 13. *Be it enacted*, That said Commissioners may open books at Lawrenceburg, or such other place or places ^{Open Books.} as they may think expedient, to receive subscription for stock in said road, whenever they choose, either in money or work; and whenever the amount is subscribed, as provided for in the second section of this act, the Commissioners shall lay off and mark said road; beginning within one mile of Lawrenceburg, and running in the direction of Mount Pleasant, but to the nearest point on the Central Turnpike Road with a view to the best route.

SEC. 14. *Be it enacted*, That the road shall be bedded twenty feet wide, with sufficient ditches, culverts and ^{Description of road.} bridges, to drain the water, and shall be cleared of timber at least eight feet on each side of the bed; the first coat of stone or gravel to be at least fourteen feet wide, six inches thick, the second coat, to be eight feet wide, six inches thick and of the usual size that is used on Turnpike roads; the road to be graded from two to five degrees; the surface shall gradually descend from the centre to the ditches, and substantially gravelled or paved with rock, whenever it is necessary, and have sufficient bridges whenever they are necessary. And no bridges, nor gravel, nor work shall be required, only when it is necessary.

Toll-gate.

SEC. 15. *Be it enacted*, That the Company shall be entitled to one gate for every five miles of road; and when five miles of the road are completed at either end, or both, may put up gates. There shall be no gate nearer than one mile of Lawrenceburg.

SEC. 16. *Be it enacted*, That the toll shall be as follows: At each gate one cent per head for hogs or sheep; two cents per head for cattle, horses or mules in a drove; for horses and mules not in a drove, nor employed in drawing, five cents per head, whether mounted or not; for every loaded wagon, twenty-five cents; every empty wagon, ten cents; every loaded cart, ten cents; every empty cart, five cents; for buggies, barouches, and other similar two horse carriages, twenty cents; for one horse buggies and other similar vehicles, for the conveyance of persons, ten cents; other vehicles for the transportation of goods or produce, ten cents.

SEC. 17. *Be it enacted*, That no one shall be at liberty to pass any gate without paying the toll to which he is liable; or if he does, the gatekeeper may sue him in the name of the Company, before any Justice of the Peace, and recover five dollars in addition to the amount of toll for which he is liable.

SEC. 18. *Be it enacted*, That on information given by any person, on oath, to any Justice of the Peace, that the road has been twenty days out of repair, the Justice shall issue a warrant to some Constable or the Sheriff, against the nearest gatekeeper, or the President of the Directory, to appear before him, at the time and place therein specified, and also commanding him to summon three freeholders to appear before him, at the time and place, to investigate the complaint; if they find it true, the Justice shall give judgment, that the nearest gate, or the two nearest gates, in his discretion, shall be opened, and charge no toll until the road is duly repaired, and also for the cost of the proceedings. On due proof, before the Justice, that the road is repaired, he shall order that the gate be again closed.

SEC. 19. *Be it enacted*, That the officers and justices shall be entitled to the same fees as for similar services, and the jurors, provided for in this act, shall be entitled to one dollar each.

SEC. 20. *Be it enacted*, That the stockholders at their first meeting herein provided for, or at any other regular meeting of stockholders may determine whether they will receive subscriptions for stock payable in work on the road or not; which determination shall be noticed on the books of the Company, and be binding on the Company.

SEC. 21. *Be it enacted*, That the Directors or stock-

holders, when assembled, shall have the power to pass all necessary by-laws, and that the Company shall have seven years to build said road.

SEC. 22. *Be it further enacted*, That all persons who shall become stockholders, pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name of the Lawrenceburg Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, and shall have succession.

Lawrenceburg
Turnpike Co.

SEC. 23. In letting out said road under contract, the Directors shall give a preference to stockholders, desiring to work out their subscriptions: *Provided*, such stockholders will undertake contracts on as good terms as any other person or persons.

SEC. 24. *Be it enacted*, That the stockholders in the Elkton and Prospect Turnpike Company, shall be, and they are hereby constituted a body politic, by the name and style of the Elkton and Prospect Turnpike Company, with the power to build a turnpike road from the town of Elkton, in Giles county, or some point on the Columbia, Pulaski and Elkton Turnpike, to some convenient point on the Central Southern Railroad; and by this name and style, they may sue and be sued, plead and be impleaded, and enjoy all the rights and powers and franchises appertaining to bodies corporate and politic by law, and shall have succession and a common seal for ninety-nine years.

Elkton and Pros-
pect Turnpike
Company.

SEC. 25. *Be it enacted*, That the capital stock of said road shall be ten thousand dollars, or whatever amount may be necessary to build the same, to be divided in shares of twenty-five dollars each, and payable either in money or work.

Capital stock.

SEC. 26. *Be it enacted*, That G. F. Phelps, J. J. Beaty, Burwell Abernathy, G. L. King, W. E. Ezell, and Thomas E. Westmoreland, be, and they are hereby constituted a Board of Commissioners for said road, who shall locate the same, receive subscriptions, organize the Company, and perform such other duties as may appertain to such Commissioners as directed in section three of an act, incorporating the Cornersville and Lewisburg Turnpike Company, passed December 18, 1849.

Commissioners.

SEC. 27. *Be it enacted*, That the President and Directors of this Company shall have and enjoy all the rights, powers and franchises, and be subject to all the restrictions and limitations conferred and imposed upon similar officers by the act, incorporating the Cornersville and Lewisburg

Rights, Powers,
&c.

Turnpike Company; and that said act of incorporation, so far as the same is locally applicable, and does not conflict with any thing herein contained, be and the same is hereby made a part of the charter of this Company.

Internal Improvement fund.

SEC. 28. *Be it further enacted*, That that portion of the Internal Improvement Fund, set apart by the act of Assembly of 1829, and drawn by the county of Giles, or whatever amount of the same remains, together with the interest thereon, be, and the same is hereby appropriated to the said Elkton and Prospect Turnpike Company, to be used in the construction of their road; and that said Company shall be under all the liabilities and restrictions for the proper application of said fund, that were imposed upon the Board of Internal Improvement for Giles county, created by the act of Assembly, December 19, 1831.

SEC. 29. *Be it enacted*, That whenever the Turnpike Company shall have been organized by the election of a President and Directors, as provided in section twenty-six, of this act, it shall be the duty of the Internal Improvement Commissioners, now holding said fund, to collect the same within three years, and pay it over to the President of said Turnpike Company. *And be it further enacted*, That if said Company fail to begin the construction of their road within five years, after the passage of this act, then this fund shall be forfeited to their road, and shall be held by the Commissioners appointed in the twenty-sixth section of this act, and applied as they may think necessary, to the purposes to which it was originally appropriated by the act of December 19, 1831.

McMinnville and Beersheba Springs Turnpike Co.

SEC. 30. *Be it further enacted*, That John French, L. D. Mercer, W. B. Smartt, W. J. Stubblefield, James W. Hill, Cooper Scott, Jesse Coppenger, Noah Bost, Enoch Woodlee and William Dugan, and those who may choose to associate with them, are hereby constituted a body politic and corporate, by the name and style of the McMinnville and Beersheba Springs Turnpike Company; may have a seal; sue and be sued, plead and be impleaded, and may possess and enjoy all the rights and privileges, and be subject to all the liabilities and restrictions that is contained in an act passed at the present General Assembly, incorporating the Beersheba Springs and Tracy City Turnpike Company, and shall have succession for a term of thirty years.

Capital stock.

SEC. 31. *Be it enacted*, That the capital stock of said Company shall be five thousand dollars, with the privilege of increasing the same to any amount the Company may desire. And when fifteen hundred dollars of stock shall

have been *bona fide* subscribed, the Company may organize and proceed to exercise the privileges hereinafter granted. That the stock of said Company shall be in shares of twenty-five dollars each, and may be subscribed in money, material or labor, under the same rules and restrictions prescribed in the act of the present General Assembly aforesaid. Said road, hereby incorporated, shall be constructed in the manner prescribed in the act aforesaid, for the Beersheba Springs and Tracy City Turnpike Road, except when the same lies on the side of the mountain, at Beersheba Springs, which shall be banistered and railed on the lower side of the same, where it lies on the edge or near bluffs, precipices and steep side ground—if necessary, all streams, where practicable, shall be bridged. Said road to be a dirt pike, and the Company may use the present road bed for their pike, if they choose.

SEC. 32. John Waker, Henry Elter, H. L. W. Hill, L. B. Waters and Elijah Morton, are hereby declared Commissioners to examine and receive said road when completed, as herein before provided, and certify the same to the Company.

SEC. 33. Said Company shall be authorized to erect two gates on said road, one not under two and a half, nor more than three miles from McMinnville, and the other not under one nor more than three miles from Beersheba Springs, and shall be allowed to charge one-half the tolls at each gate that are allowed to the Beersheba Springs and Tracy City Turnpike Company.

SEC. 34. All citizens of Grundy and Warren counties shall be permitted to pass over said road free of any charge whatever, and that this act take effect immediately after its passage.

SEC. 35. *Be it further enacted*, That the forty-first section of an act, passed February 25, 1856, chapter 204, entitled, An act to amend an act, passed the 25th February, 1852, incorporating the Murfreesboro' and Liberty Turnpike Company, and for other purposes, be, and the same is hereby repealed.

SEC. 36. *Be it further enacted*, That the town of New Providence, under its late act of incorporation, shall have no control or authority over the Clarksville and Hopkinsville Turnpike Road, and said road shall be fifty feet wide, as laid off by the Commissioners in the locating survey.

SEC. 37. *Be it further enacted*, That the Clarksville and Hopkinsville Turnpike Company shall be authorized to demand and collect at the first toll-gate, from all persons coming in on said Turnpike Road, from the Dover Road;

from the Old Forge Road, and from the Lafayette Road, only one-half the tolls, according to the rates established in the 19th section of an act, entitled An act to authorize the formation of Turnpike Companies, passed February 7, 1850.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 10, 1858.

CHAPTER 121.

AN ACT for the benefit of James and Kelly, and E. G. Haley, Trustees of Cumberland county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury is hereby authorized to issue his warrant for three hundred and thirty-one dollars and seventy-five cents, to James and Kelly, for coal furnished the Capitol.

SEC. 2. *Be it further enacted*, That the Comptroller is hereby directed to issue his warrant in favor of E. G. Haley, Trustee of Cumberland county, for the amount of the School Fund due the first, second, and fourth districts, of said county, for the year 1857, whenever the scholastic returns for those districts shall be made by the proper officers.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives
 JOHN C. BURCH,
Speaker of the Senate.

Passed March 11, 1858.

CHAPTER 122.

AN ACT to authorize the election of an additional Constable in the 1st Civil District of Lincoln county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed December 16, 1837, incorporating the town of Petersburg, in the county of Lincoln, be so amended as to authorize and empower the qualified voters of the Civil District in which said town of Petersburg is situated, to elect an additional Constable, who shall reside within the corporate limits of said town; the election to be held under the same rules and regulations as other constables are now elected in said county, and such Constable when elected and commissioned, shall have and exercise all the powers and privileges of other constables, in the said county of Lincoln.

SEC. 2. *Be it further enacted*, That section 22d of an act passed February 29th, 1856, entitled "An act to amend the acts incorporating the town of Gallatin, in the county of Sumner—which said 22d section is itself amendatory of an act passed March 2d, 1854, incorporating the town of Camargo, in the county of Lincoln, be so amended as to strike out the words, "the citizens of said town," and insert in lieu, the words, the qualified voters of the 19th Civil District of said county.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of the city of Clarksville, shall have no power to increase the corporate tax, unless the same be ratified by a majority of the qualified voters within the corporate limits of said city. Clarksville.

SEC. 4. *Be it further enacted*, That the Board of Mayor and Aldermen shall have no power to issue the bonds of the city for any purpose whatever, unless the issuance of the bonds be ratified by a vote of the majority of the qualified voters within the corporate limits of said city.

SEC. 5. *Be it further enacted*, That the ward system of voting in said city, be, and the same is hereby abolished, and that hereafter all the officers of the corporation shall be elected by the people of the said city, voting in one ballot box, at the court house.

SEC. 6. *Be it further enacted*, That the 10th Civil District, in Lauderdale county, be laid off and established, with the following boundaries, to wit: Beginning at the west boundary line of the tract of land known as the Patience Wescutt 2500 acre tract, extending from Cole Lauderdale Co.

creek to Hatchie river; thence up said Hatchie river to the mouth of Town creek; thence up said creek and T. J. Childress' Spring branch, and thence north until it strikes the old Ashport road, near the bridge across Cane creek, west of James Gillespie's; thence with said road to Cale creek; thence down said creek to the beginning; and that this act take effect from and after its passage.

SEC. 7. *Be it further enacted*, That the voting precinct of the 17th Civil District of Madison county, be, and is hereby changed and removed from Mt. Peirson, and located at the house of R. M. May, in said district.

SEC. 8. *Be it further enacted*, That that portion of Bledsoe that lies on Walden's Ridge, north of the 5th District, shall form a new district, known as the 10th Civil District.

SEC. 9. *Be it further enacted*, That there shall be established for the county of Hamilton, an additional Civil District, known as the 15th Civil District, which shall be designated by the following bounds: Beginning where the Yoakum branch enters the Chickamauga creek; thence up said branch to Frederick Carne's; thence with the wagon road to Sarah Moore's; thence in a straight line to George W. House's; thence with the Chattanooga wagon road to Smith's bridge, on Chickamauga creek; thence up said creek to the beginning.

SEC. 10. *Be it further enacted*, That the voting ground shall be at the Chickamauga depot.

SEC. 11. *Be it further enacted*, That the district officers of said district, shall be elected on the first Saturday in June, 1858.

DANIEL S. DONELSON,
Speaker of the House of Representatives
JOHN C. BURCH,
Speaker of the Senate.

Passed March 11, 1858.

CHAPTER 123.

AN ACT to incorporate the Covington Steam Mill Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. M. Hall, John L. Morgan, M. C. Green, John J. Green, Lafayette Hill, R. H. Munford, R. W. Sanford, James S. Smith, Peter Townsend, W. P. Malone, Samuel P. Bernard, Wilkins and Brother, J.

Brown, W. Goodman, E. M. Downing, Samuel Hall, W. H. Murphy, G. J. Bibb, A. H. Owen, R. S. Barnett and J. G. Mears, and such other persons as may have heretofore, or may hereafter become associated with them, are hereby created and constituted a body politic and corporate, by the name and style of the Covington Steam Mill Company, for the purpose of erecting, building, constructing and carrying on, in or near the town of Covington, in the county of Tipton, Mills, for the purpose of grinding grain and manufacturing flour, and of sawing, manufacturing, dressing and working lumber, and for such other and further mechanical, manufacturing and mercantile purposes, as may be agreed upon by said corporation; and they shall have succession for the period of ninety-nine years. Said Company may make, have and use a common seal, and the same change, break and destroy at pleasure; and in its corporate name may sue and be sued; and shall have, use, possess and enjoy all the rights, privileges and powers conferred by law upon bodies politic and corporate.

Covington Steam
Mills Co.

SEC. 2. *Be it enacted*, That the capital stock of said Company, shall be seven thousand dollars, (\$7,000,) with the privilege of increasing it to any amount not exceeding fifty thousand dollars, (\$50,000,) that may be deemed necessary by the Company, for the purpose of its creation, which capital stock shall be divided into shares of one hundred dollars (\$100.)

Capital stock.

SEC. 3. *Be it enacted*, That for the due administration of the affairs of said Company, there shall be five Directors elected by the stockholders; said Directors shall be stockholders and citizens of the State of Tennessee, and shall hold their office for the term of two (2) years, and until their successors are elected; said Directors shall elect from their own body a President and Secretary, who shall hold their office for the same term of time.

SEC. 4. *Be it enacted*, That J. L. Morgan, W. M. Hall, S. P. Bernard, R. S. Barnett and James S. Smith, have been elected and shall constitute the first Board of Directors, who shall hold their office until the first Saturday of January, 1859, at which time a re-election shall be held in the town of Covington, and every two (2) years from said date thereafter, and that in all elections for Directors, each stockholder shall be entitled to one vote for every share of stock owned and held by him.

Directors.

SEC. 5. *Be it enacted*, That a failure to hold any election for Directors; on the day or within the time limited, shall not work any forfeiture of this charter, but said election may be held at any time after, by order of the President, or the request of the old Directors, or a majority of them,

or on the request of the stockholders owning a majority of the stock, and such election shall be as valid and binding as if it had been held at the time herein before prescribed.

Treasurer, &c.

SEC. 6. *Be it enacted*, That said Directors shall employ an agent, who shall also be Treasurer of said Company, (but no Director shall be eligible to said office;) said agent shall, before he enters upon the duties of his office, enter into bonds with at least two unquestionably good securities, in the penal sum of ten thousand dollars, payable to the President of said Company, for the time being, and successors in office, for the use of said Company, to be void if said agent and Treasurer shall well, truly and faithfully, and according to this act, and the by-laws of said Company, receive, keep and pay over, all moneys and means which shall, or ought to come to his hands belonging to said Company, and in all other things faithfully discharge his duty, according to this act and the by-laws of said Company, and indemnify and save harmless said Company from all damages, in consequence of any and all wrongful acts of his.

SEC. 7. *Be it enacted*, That said agent and Treasurer shall transact the business of said Company, and shall superintend the running of said mill and machines, and said manufactures, and shall sell the flour, meal, lumber and manufactures, and receive the purchase money therefor, and shall make all contracts for supplies for said Company, and for any thing else necessary and proper to be purchased by said Company, save and except the real estate necessary for the purpose of said Company, which shall be purchased by the stockholders, (those owning a majority of the stock, having the right in that particular to govern.) But said agent and Treasurer, shall discharge all of said duties, under the supervision, control and direction of the Board of Directors. It shall be his duty to keep fair, correct and regular books of accounts, and of all transactions of said Company, which he shall post up and exhibit to the Board of Directors, once in three months, and the same shall at all times, in all business hours of the day, be open to the inspection of any and all stockholders, who desire to inspect the same.

SEC. 8. *Be it enacted*, That neither the Board of Directors, nor said agent and Treasurer, shall have power to make any contract, binding said Company, save and except those in the usual course of business in which said Company is engaged.

SEC. 9. *Be it enacted*, That the Board of Directors shall have full power and authority, at any time, to remove said agent and Treasurer, a majority of their members voting

therefor; and it shall be their duty to remove him, on the written request of stockholders owning not less than a majority of the shares of the stock.

SEC. 10. *Be it enacted*, That the Board of Directors shall have full power and authority from time to time to require such payment on the shares subscribed, as the wants and interests of the Company may require: *Provided*, no call shall be made for more than twenty-five dollars on each share, in any period of sixty days, of which call twenty days' notice shall be given by the Secretary, in writing, addressed to each stockholder, at his nearest post office, which notice said Secretary shall be competent to prove in all proceedings in law or equity, as the same may be proved by his book, in case of his death. And if at any time a stockholder shall fail to pay such installments on his stock as may be called for at the time, and in the manner prescribed, the Board of Directors for the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days' notice thereof, in writing, offer the same for sale, to the highest bidder, for cash, at least five days' notice of the time and place of sale being given to the stockholder, and the number of shares so sold shall be transferred by the President and Directors to the purchaser, who shall, by virtue of said transfer, become a member of said Company; and if the amount of said sale be not equal to the amount to be paid and the call for which it was sold, the Directors may proceed to collect the residue from the original stockholder, by suit, in any court or tribunal in this State having jurisdiction thereof; and judgments rendered for installments of stock shall not, if rendered by a Justice of the Peace, be subject to stay of execution.

Director's
powers, privi-
leges, &c.

SEC. 11. *Be it enacted*, That the stockholders, at any general meeting, shall have full power and authority to enact such rules, regulations and by-laws, as shall not be repugnant to this act, or to the Constitution and laws of the United States, or of this State, for the regulation and government of the meetings, transactions, and business of the Company and the stockholders: *Provided*, no banking nor brokerage privileges shall be allowed, nor shall any State aid be granted in this act.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 11, 1858.

CHAPTER 124.

AN ACT for the benefit of Sequatchie county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Clerks of the County Court of the counties of Marion and Bledsoe, be, and they are hereby required to make out and hand over to the Tax Collector of Sequatchie county, a list of the taxes for 1858, that have been levied in the fractions of Marion and Bledsoe, out of which the said county of Sequatchie has been organized.

SEC. 2. That said taxes, when collected, enure to the benefit of said county of Sequatchie.

SEC. 3. That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 11, 1858.

CHAPTER 125.

AN ACT to incorporate the New Jersey Copper Company of Tennessee; and the East Tennessee Iron and Coal Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lyman W. Gilbert, B. Whitley, Herbert M. Harman, and their associates, are hereby constituted a body politic and corporate, by the name and style of the New Jersey Copper Company of Tennessee, for the purpose of mining for copper and other ores and minerals, and for working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors for the period of ninety-nine years, with power to make and use a common seal, and to alter and change the same at pleasure, and to make such by-laws, not inconsistent with the laws of this State, and of the United States, as they may deem useful and necessary; to sue and be sued, to plead and be impleaded; to hold by

New Jersey
Copper Co.

purchase or otherwise, and to dispose of the same in any way, all real estate or personal property, which may be deemed necessary or useful for carrying on its operations, or which they may be possessed of in payment of debts due to the said Company.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of not less than one Capital stock,
shares, &c, dollars each, the number and valuation of the shares above one dollar, to be fixed by the incorporators; nothing but money or real estate will be taken in payment for the shares of the Company, and be regarded as a basis for capital stock, the stock to be subscribed and paid for as the Board of Directors may prescribe; the shares to be considered as personal property, and shall be transferred only on the books of the Company in person or by attorney.

SEC. 3. *Be it enacted, &c.*, That the Corporation shall choose five of their number as Directors of the Company, who shall hold office for one year, and until others are elected in their stead. The annual meeting of the Company shall be held at such time and place as the Board of Directors may determine from year to year; thirty days previous notice shall be given in some newspaper, published near the place of business, of the time and place of such meeting; at such annual meeting a Board of Directors shall be chosen for the ensuing year, but in case of a failure to elect a Board of Directors, the charter of this Company shall not be forfeited thereby, but the Directors of the previous year shall continue in office until others are elected. The Directors shall appoint one of their number President, and shall appoint such other officers and agents, as they may deem proper, and fix their salaries. Election of
officers.

SEC. 4. *Be it enacted, &c.*, That all shareholders, who have not paid for their shares according to the terms of subscription, shall be liable to the creditors of the Company to the amount so remaining unpaid. The Directors also shall be individually liable to the creditors of the Company for any amount they may declare and pay out as dividends, when the Company shall be insolvent, and unable to pay all the debts due by it. To avoid such liability on the part of any dissenting Director, he must enter, or cause to be entered on the minutes of the Board, his dissent thereto, or if not present, when the act is done, he shall also record, or cause it to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 5. *Be it enacted, &c.*, That the said Company shall not contract any debts, over and above the amount of capital

paid in, no part of which shall be withdrawn, or in any manner divided from the business of the Company, without the consent of three-fourths in interest, of the stockholders.

East Tennessee
Iron Company.

SEC. 6. *Be it further enacted*, That Thomas H. Callaway, Campbell Wallace, Richard C. Jackson, Thomas C. Lyon, Samuel Congdon, Euclid Waterhouse, Lyman W. Gilbert, M. B. Prichard, Charles McGhee, A. L. Maxwell, Robert Morrow, G. B. Lamar, and their associates, are hereby constituted and appointed a body politic and corporate, by the name and style of the East Tennessee Iron and Coal Company, for the purpose of mining iron, coal and other ores and minerals, of manufacturing and vending the same, and of aiding and assisting in such way and manner as they may deem proper, in the construction and completion of the Knoxville and Kentucky Railroad, running from Knoxville, in Tennessee, to the Kentucky line; thence in the direction of the Ohio river; and to continue in existence to them and their successors for the period of ninety-nine years, with power to adopt and use a common seal, and to alter or change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State or of the United States, as they may deem proper and necessary for the management of the business of the Company; to sue and be sued, plead be impleaded, to hold by purchase or otherwise, and to dispose of the same in any way, any real estate or personal property which may be thought useful or necessary for carrying on the operations of the Company, or which it may become possessed of in payment of debts due to it: *Provided, always*, that the first cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

Shares, &c.

SEC. 7. *Be it enacted*, That the capital stock of the Company shall be twelve hundred thousand dollars, and divided into shares of not less than twenty-five dollars each share; the number and price of shares to be fixed by the corporators at their first meeting under this act. The stockholders shall have power to increase the capital stock of the Company, when required to extend their operations, to any amount not exceeding three million of dollars. Nothing but money or mineral property shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the Board of Directors may prescribe. The shares shall be considered personal property, and shall be transferred only on the books of the Company, in person or by attorney.

SEC. 8. *Be it enacted*, That the corporators named in the first section of this act, may elect at their first meeting

a Board of Directors, consisting of not less than five nor more than seven, who shall hold office for one year, and until others are elected in their stead. At any annual meeting of the Company, the number of Directors for the year ensuing, may be lessened or increased by a vote of the stockholders. The annual meetings of the Company shall be held at such times and places as the Board of Directors may determine from year to year, thirty days previous notice being given in some newspaper, published near the place of business, of the time and place of such meeting. At each annual meeting of the Company, a Board of Directors shall be chosen for the ensuing year, but in case of a failure to elect a Board of Directors, the charter of the Company shall not be forfeited thereby, but the Directors of the previous year shall continue in office until others are elected in their stead. The Directors shall elect one of their number President of the Company, and shall appoint such other officers and agents as they may deem proper, and fix their salaries.

Election of
officers, &c.

SEC. 9. *Be it enacted*, That all stockholders, not having paid for their stock according to the terms of subscription, shall be personally liable to the creditors of the Company to the amount so remaining unpaid; the Directors shall also be liable to the creditors of the Company for any amount they may declare and authorize to be paid to the stockholders as dividends, when the Company shall be unable to pay the debts then due by it. To avoid such liability on the part of any Director, he must enter or cause to be entered on the minutes of the Board, his dissent thereto, or if not present when the act is done, he shall so record or cause to be recorded his dissent thereto, within thirty days after such dividend shall have been authorized.

SEC. 10. *Be it enacted*, That the said Company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the Company, without the consent in interest, of three-fourths of the stockholders.

SEC. 11. *Be it further enacted*, That the individual property of each stockholder shall be deemed and held liable for the payment of his stock.

SEC. 12. *Be it enacted*, That a body politic and corporate is hereby constituted and established, by the name of the Oakvale Barrel Company, for the purpose of manufacturing barrels, and any other articles, out of wood; and said Company is empowered to make and use a common seal, and the same to change at pleasure; to make such by-laws as are necessary or useful; to sue and be sued, to

Oakvale Barrel
Company.

plead and be impleaded, to have a succession; to hold by purchase or otherwise, and dispose of the same, any real estate or personal property, which may be convenient or necessary for carrying on its operations.

Capital stock,
and shares.

SEC. 13. *Be it enacted*, That the capital stock of said Company shall be divided into shares of one hundred dollars each; shall not consist of less than three hundred shares, and the same may be increased at any time to five hundred shares, by a vote of two-thirds of the stockholders. The stock shall be transferred only on the books of the Company, and then only with the consent of the Board of Directors.

SEC. 14. *Be it enacted*, That whenever three hundred shares are subscribed and paid for, the said Company shall proceed to elect six Directors, who, with a President to be elected from their own body, shall manage the affairs of said Company, and may hold their office for one year, or until their successors shall be elected.

SEC. 15. *Be it enacted*, That there is hereby incorporated a Company, whose capital shall consist of one hundred thousand dollars, to be divided into shares of twenty-five dollars each, for the purpose of manufacturing oil from stone coal, taken from the coal mines near Bon Air, in the county of White.

Directors.

SEC. 16. *Be it enacted*, That when the sum of ten thousand dollars shall be subscribed, the Company may organize, by the election of five Directors, to be chosen by the stockholders, each share holder being entitled to one vote; said Directors may elect one of their own body President of said Board and Company, and shall also elect from their own body or from the stockholders of said Company, one Secretary and Treasurer, who shall take an oath and execute such bonds as shall be required by the President and Directors of said Company, for the faithful performance of such duties as shall be required of them.

Quorum.

SEC. 17. *Be it enacted*, That three Directors shall constitute a quorum, and shall be known by the name of the Bon Air Kerosine Oil Company; and if the Directors of said Company shall esteem it expedient and necessary, they may open books for the subscription of additional stock in said Company, and may establish their own rules and by-laws, not inconsistent with the laws and Constitution of the State of Tennessee.

SEC. 18. *Be it enacted*, That when any stockholder shall pay up his stock, he shall be entitled to a stock certificate, signed and countersigned by the President and Secretary of said Company, for so much thereof as shall be paid

for; the holder of said stock certificate shall be the owner of said stock, so represented by said certificate.

SEC. 19. *Be it enacted, &c.*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 12, 1858.

CHAPTER 126.

AN ACT to consolidate the offices of Surveyor and Entrytaker, in the counties of Lawrence, DeKalb, White, Macon, Grundy, Decatur, Humphreys and Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the office of Entrytaker in the counties of Lawrence, DeKalb, White, Macon, Decatur, Grundy, Humphreys and Wilson, be, and the same are hereby abolished. Office of Entrytaker abolished.

SEC. 2. *Be it further enacted*, That hereafter the Surveyors in the counties of Lawrence, DeKalb, White, Macon, Decatur, Grundy, Humphreys and Wilson, shall do and perform all the duties that now belong to the Entrytakers of their respective counties, and receive all the pay and emoluments arising from the performance of said duties; being responsible in like manner as Entrytakers are now by law for the performance of the duties of said office. Surveyors act as Entrytakers.

SEC. 3. *Be it enacted*, That all laws and parts of laws in conflict with this act, are hereby repealed, and that this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH

Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 127.

AN ACT for the relief of Doctor William C. Bruce, late Trustee of Haywood county, and for other purposes.

Bruce.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Clerk of the County Court of Haywood county, be, and is hereby authorized to make settlement with Doctor William C. Bruce, late Trustee of Haywood county, and receive from him all legal vouchers of monies paid out to Teachers, by order of School Commissioners, from April, 1852, to July, ; said Wm. C. Bruce having paid out the amount of \$330 00, or near that sum.

Bullard.

SEC. 2. *Be it further enacted*, That D. C. Bullard be allowed the further time of two years, from the first day of January, 1858, to collect the taxes of Claiborne county.

SEC. 3. Whereas, the tax Assessor for Jackson county, whose duty it was to make out a list in a book, setting forth opposite each tax payers name, the amount of his taxes,—did in said list or books, so made out by him and delivered to the Tax Collector for said county for the year 1857, omit to include in said statement the amount of State tax for Common Schools and Lunatic Asylum purposes, amounting to four per cent. : by reason whereof the amount so collected, by said Tax Collector, is less by the amount of four per cent. upon all the taxable property of said county for said year 1857, and consequently the amount of taxes upon his list is less by the amount of the four per cent. upon all the property assessed in said county for the year 1857: Therefore,

Pusell.

Be it enacted, That the Clerk of the County Court for the county of Jackson, be, and he is hereby directed to add to the amount of taxes assessed, against the tax payers for said county of Jackson, for the year 1858, the amount of four per cent. ; and that the Tax Collector for said county, for the year 1858, collect the same, and pay over to the Treasurer of the State of Tennessee, when he pays the taxes for 1858; and that William C. Pusell, Tax Collector for Jackson county, for the year 1857, be released from any further liability than the amount of taxes upon his tax lists for the year 1857.

SEC. 4. *Be it further enacted*, That the Tax Collector for said county, for the year 1858, and his securities, shall be liable to said amount of four per cent. upon the taxable

property for the year 1857, in said county, in like manner as for the taxes due from said county for the year 1858.

SEC. 5. *Be it enacted*, That the School Commissioners of the sixth Civil District, in the county of Shelby, in this State, be, and they are hereby required to draw their order, as such Commissioners, upon the Trustee of said county, for the sum of forty-five dollars, in favor of Peter D. Wynn and Ferdinand Smith, this being the sum by them overpaid as the sureties of Alexander Allen, former Trustee of Shelby county. School Commissioners.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 128.

AN ACT for the relief of citizens of Sevier county, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That all bills of sale, deeds for land, deeds in trust, bonds, mortgages, wills, and all other instruments in writing required by the act of 1831, to be registered, or by any other act requiring registration, and where the same has been duly registered in the county of Sevier, upon the production of a certified copy of such deed, bond, will, or other such instrument, and satisfactory proof that the same have been burned in Sevierville, in the late fire in March, 1856, that in all such cases, it shall and may be lawful to admit the same to registration, and when so registered, the copy of any such deed, bond, will, mortgage, or other such instrument, shall be received in evidence in the courts in this State where the original would have been competent testimony, and in all things of the same valid force as the original would have been. This act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 129.

AN ACT to change the line between the counties of Morgan and Scott; to change the line between Monroe and McMinn; to change the line between the counties of Wayne, Decatur and Hardin; to change the line between the counties of Roane, Anderson and Morgan; Maury and Hickman; Van Buren and Bledsoe; and to change the line between DeKalb and Putnam.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Morgan and Scott be so amended as to include William Young and Elisha Chaney, and their farms, in the county of Morgan.

SEC. 2. *Be it further enacted,* That the county line between Monroe and Polk be so changed as to include the first section of first township, range east, of the basis line, Ocoee district, commencing at C. H. Parr's northwestern corner, and running so as to include the lands of C. H. Parr, Michael Read and Caleb Johnson, in Monroe county.

SEC. 3. *Be it further enacted,* That the dividing line between the counties of Monroe and McMinn be changed, as follows, to wit: Beginning at a point on the present line near Jesse Elliott's; thence through the centre sections 5, 8, 17, 20, 29 and 32, in township 4; thence on a direct line to the White Bluff on Starr's Mountain.

SEC. 4. *Be it further enacted,* That the line dividing the counties of Wayne and Hardin, be so changed that the lands and residence of Solomon H. Baker shall be included in the said county of Wayne, in the following manner, to wit: Beginning at a rock quarry on the said line, dividing the aforesaid counties about three-quarters ($\frac{3}{4}$) of a mile from Tennessee river; thence westwardly so as to strike the south-west corner of the lands of said Solomon H. Baker, on the branch on which the Marion furnace now stands; thence north with said Baker's line to the Tennessee river. That the county lines, changed as aforesaid, shall be run out and marked by a competent surveyor, the expenses of which to be paid by the aforesaid parties.

SEC. 5. *Be it further enacted,* That the county lines between the counties of Roane, Anderson and Morgan, be changed as follows: To be continued between Roane and Anderson, with the extreme height of the Pine Ridge, a northeasterly direction, to the Mountain Fork of Poplar creek; thence up with the meanders of said creek to the north side of Walden's Ridge; thence with the foot of said Ridge, a westerly direction, to the West Fork of the In-

dian Fork of Poplar creek, to the place where the county line between Roane and Morgan, now crosses said creek.

SEC. 6. *Be it further enacted*, That the line between Hickman and Maury be so changed, that the part of the land of Philip Hoover, lying in Maury county, be included in the county of Hickman. Hickman and
Maury.

SEC. 7. *Be it further enacted*, That the line between the counties of Van Buren and Bledsoe, be so changed as to include Hiram Walden's residence in the county of Bledsoe. Van Buren and
Bledsoe.

SEC. 8. *Be it further enacted*, That the county line between the counties of DeKalb and Putnam, be so changed as to run as follows, to wit: Beginning on the line between said counties, on the top of a large ridge, near Gordon Maxwell's; running with said ridge, a north-west direction, to the Caney Fork river below Joseph Mitchell's; thence up said river to the old line; and that the territory and citizens in said amended boundary be attached to the 16th Civil District of DeKalb county; and that said citizens have all the rights and privileges of other citizens of said county of DeKalb. That all the tax and revenue due from said citizens to the county of Putnam, for the year 1858, shall be paid to the revenue collector of Putnam county: *Provided*, the property of said persons, included in said portion detached from the county of Putnam and attached to the county of DeKalb, shall be given in to the revenue Commissioner, of the county of Putnam, for and during the term of five years from this time, and the tax thereon shall be assessed against them in the county of Putnam; and the tax collector for said county of Putnam shall have the right to collect the same. DeKalb and Put-
nam.

Tax.

SEC. 9. *Be it further enacted*, That this act shall take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 130.

AN ACT to extend time to the Knoxville and Charleston, and the Southwestern Railroad Companies; to extend time to the Tennessee, Western and Charleston Railroad Companies; to revive the charter of the Atlantic, Tennessee and Ohio Railroad Company; and to amend the charter of the Tennessee and Alabama Railroad Company; and for other purposes.

Knoxville and
Charleston Rail-
road Company.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Knoxville and Charleston Railroad Company be allowed the further time of eight years to grade the first section of thirty miles, and to bring themselves within the provisions of the Internal Improvement Acts of 1851-'2, and 1853-'4, granting State aid to Railroad Companies.

Southwestern
Railroad Com-
pany.

SEC. 2. *Be it further enacted*, That the further time of two years, in addition to the time already extended, be allowed the Southwestern Railroad Company, to bring themselves within the provisions of the Internal Improvement Acts of 1852, and the acts amendatory thereto.

Tennessee, West-
ern & Charleston
Railroad Co.

SEC. 3. *Be it further enacted*, That the Tennessee, Western and Charleston Railroad Company, be allowed the further time of eight years to grade the first section of said road, and bring themselves within the provisions of the Internal Improvement Acts of 1851-'2, and 1853-'4, and 1855-'6, granting State aid to railroad companies.

Atlantic, Tennes-
see and Ohio
Railroad Co.

SEC. 4. *Be it further enacted*, That the charter of the Atlantic, Tennessee and Ohio Railroad Company, be, and the same is hereby revived and re-enacted, and that said Company have the further time of two years to commence said road: *Provided*, nothing herein contained shall be so construed as to extend State aid to said road.

Nashville and
Chattanooga
Railroad Co.

SEC. 5. *Be it further enacted*, That it shall be made the duty of the President and Directors of the Nashville and Chattanooga Railroad Company, to keep, at the crossing at the depot, in the city of Nashville, a man employed to notify travellers or persons passing on the Richland Turnpike, of the approach and departure of the cars; and that said cars shall not blow their whistles in coming into or going out of said depot; that it shall be a misdemeanor in the Superintendent at said depot, to violate this act, and punished as other cases of misdemeanor. That any person or persons may sue for and recover the sum of one hundred dollars from the President and Directors of said Road, for a violation of this act.

SEC. 6. *Be it further enacted*, That the act passed Janu-

ary 23, 1852, entitled, An act to charter the Tennessee and Alabama Railroad Company, and for other purposes, be so amended that the said Railroad Company, be authorized and empowered to extend their road to Broad street, in the city of Nashville, and to have all the rights and privileges, and be subject to all the liabilities, to that point, as if it were one of the original termini of the road. The said Railroad Company shall be authorized to hold and own lots and land, in the city of Nashville, sufficient for depot grounds, freight and passenger houses, and other purposes necessary for the proper use and management of the business of the road; and that the title to the land heretofore purchased by said Company, in the city of Nashville, or seized and condemned by the Courts for the use of the road, or occupied by the line of the road, by consent of the owners, shall be used, held, owned and enjoyed, in the same manner as if the original terminus of said road had been located by the original charter, at Broad street, in Nashville. The Tennessee and Alabama Railroad Company is hereby authorized to construct their road by way of Columbia, and to terminate their road at or near Mt. Pleasant; and whenever this amendment shall be accepted by a majority of the stock of said Company, they shall notify the Governor of the State, of such acceptance; and he is thereupon directed forthwith to issue to said Company, the amount of bonds of the State they would be entitled to, per mile, under the Internal Improvement Acts of this State; and in consideration, that by thus shortening their road, said Company will lessen the liability of the State of Tennessee, one million of dollars, or more; and as an inducement to accept this amendment, and so terminate the road as aforesaid, the Governor of the State is further directed to receive and cancel such of the endorsed bonds of said Company, as the President may present for that purpose, and issue to them the same amount of State bonds: *Provided*, that before the Governor shall issue the bonds, in this act provided to be issued, in lieu of the endorsed bonds of said Company, the said Railroad Company shall execute, to the State of Tennessee, its bonds, to indemnify said State against loss on those bonds. The Governor of the State is further directed, as aforesaid, to deliver to said Company eighty-five thousand dollars of State bonds, which shall be in lieu of all the bridge aid granted to said Company, for bridges across the Tennessee, Duck and Buffalo rivers; which sum shall be applied to the building of bridges across Duck river and Rutherford creek. The State shall have all the rights and securities for the payment of the interest and principal of all bonds issued un-

Tennessee and
Alabama Rail-
road Company.

der the general Internal Improvement law. Said Company shall be entitled to ten thousand dollars per mile, and bridge aid heretofore provided, only for the distance such road is built.

DANIEL S. DONELSON,
Speaker of the House of Representatives

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 131.

AN ACT to keep up Public Roads by taxation, in Lauderdale county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the County Court of Lauderdale county may classify the public roads of the county, into first, second and third class roads, and to assess a tax upon all property and polls of the county, to be applied to the keeping up and repairing said public roads: *Provided,* that in levying the tax, the Court shall discriminate between property and polls, at its option.

County Court
may assess tax.

SEC. 2. *Be it enacted,* That the revenue collector of said county, shall collect said road tax at the same time and in the same manner, and under the same laws now in force, in this State, for the collection of State and county revenue, and that he shall be entitled to the same commissions upon the tax so collected, as now allowed him for collecting State and county tax: *Provided,* that said collector shall first give bond and security for the payment of said tax in double the amount of said tax, and that he shall pay said tax to the County Trustee, as fast as he collects the same: *Provided,* that said collector and his securities shall be liable to all the pains and penalties to which said officer is subject, for failure to collect and pay over the State and county revenue, for failing to collect said road tax, and pay over the same to the County Trustee, within the year for which the same is levied.

Revenue
Collector.

SEC. 3. *Be it enacted,* That it shall be the duty of the County Court, at the April term of each year, to appoint one or more person or persons, as supervisor or supervisors, of the public roads of said county, whose duty it shall be

Supervisor.

to examine the roads, and report to the January term thereafter, in what manner said roads should be worked to put them in good repair, and the probable cost of keeping said roads in good repair for one year; that he shall take an oath before some Justice for said county, faithfully to discharge his duty; and it shall be the duty of the supervisor, or supervisors, to examine all roads in said county, and report to the January term of said Court, whether the same has been worked according to contract; and that said supervisor be allowed one dollar and fifty cents per day, for their services, for every day that he may be necessarily employed upon said roads, of which he shall render an account upon oath to the court.

SEC. 4. *Be it enacted*, That it shall be the duty of the County Court of said county, at its January term, to let out to its lowest bidder, at public auction, said roads, in sections of not less than one mile, nor more than ten, and shall take from the undertaker, bond with good security for the faithful performance of his contract, in double the sum of his bid; and for a failure to keep said road in good traveling repair, for wagons and carriages, he shall be liable to presentment or indictment, as overseers of public roads; nor shall the Court make any order for the payment of any bid, only upon the report of the supervisor, that said contract has been faithfully complied with.

Duty of County Court.

SEC. 5. *Be it enacted*, That the County Trustee shall not be authorized to pay out any of said fund, only by order of the County Court; and said Court shall issue no order to the County Trustee, for the payment of any of this fund, only at its July and January terms, and only then for work already performed, and upon the report of supervisor as aforesaid.

SEC. 6. *Be it enacted*, That the contractors shall have the authority to take any timber to make and repair bridges, causeways, on the lands adjoining the said road, in the same manner that overseers of the roads now have by law: *Provided*, that said contractors shall not be required to keep in good repair any bridge or levee built by the county.

SEC. 7. *Be it further enacted*, That any person living in the bounds of said road, and liable to work on roads, shall be allowed to work out his road tax, at the rate of seventy-five cents per day: *Provided*, he does work out said tax before the first day of July, in each year, and that the undertaker or overseer shall give him notice of the time and place for working said road; said overseer's certificate shall be a receipt for the same.

Allowed to work out road tax.

SEC. 8. *Be it further enacted*, That all property and polls, in any incorporated town in said county, where the

corporation is kept up, and the corporation laws enforced, be and the same is hereby exempt from said road tax.

SEC. 9. *Be it further enacted*, That if the County Court refuse or fail to levy the tax, as heretofore provided, the Court at its October term, shall order the vote taken in said county, whether the people will tax themselves to keep up public roads or not; and if a majority vote for the tax, the County Court shall levy said tax at its January term next thereafter.

Washington, Sullivan & Hawkins.

SEC. 10. *Be it further enacted*, That the counties of Washington, Sullivan and Hawkins, be entitled to the benefit of this act, as to keeping up roads, should they so elect, as provided in the above act.

Surveyor and Entrytaker.

SEC. 11. *Be it further enacted*, That from and after the passage of this act, the office of Entrytaker, of Tipton county, be consolidated with the office of Surveyor of said county, and that the Surveyor of said county shall perform all the duties incident to the office of Entrytaker, and shall receive for the same the fees heretofore allowed by law to entrytakers.

Greer.

SEC. 12. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed 1825, and amended on the 13th day of January, 1838, granting to George Gorden a charter for Turnpike road, be, and the same is hereby repealed; and that Washington S. Greer, the present owner, be, and is hereby authorized to begin said Turnpike road, at Brady's road, near Samuel Moore's, in Cumberland county, running to the Rhea county line, near C. G. Gipson's in Cumberland county, Tennessee, and that the said Greer shall make and keep said road sixteen feet wide, cleared of all obstructions, on level land, where the same is practicable; all ground necessary to be causewayed, shall be ditched on each side of the hill and mountain sides, to be kept twelve feet wide, cleared of all impediments, where the same is practicable. Daddy's creek and Sandy to be kept bridged, substantially, twelve feet wide.

Commissioners.

SEC. 13. *Be it further enacted*, That Daniel Brown and Thomas Gist, of Cumberland county, are appointed Commissioners on said road, whose duty it shall be, before acting as Commissioners, to take an oath before a Justice of the Peace, to do impartial justice between the State of Tennessee and said Greer; and to view said road, and if in the order as required by this act, to issue a license to said Greer, his heirs, &c., to erect a toll-gate on any part of said road he may think proper.

SEC. 14. *Be it enacted*, That said Commissioners shall view said road at least once in every six months, and if at

any time found to be out of order, to open said gate, which shall remain open until received by one of said Commissioners; and shall receive two dollars per day each, for every day they may be engaged in viewing said road, to be paid by said Greer.

SEC. 15. *Be it enacted*, That said Greer, his heirs, &c., is hereby entitled to the exclusive benefit of this road for twenty-five years after the passage thereof, and shall be entitled to receive the following toll, to wit: For each man and horse, ten cents; for a led horse or mule, jack or ^{Toll} jennet, not in a drove, five cents—in a drove, three cents; for each head of cattle, two cents; for each hog, one cent; for each four wheeled carriage, if drawn by one mule, horse or ox, fifty cents—if by two, sixty cents—if by three and not more than four, seventy-five cents—if over four, eighty cents; for each two wheeled carriage of pleasure, drawn by one horse or mule, twenty-five cents; for each four wheeled carriage of pleasure, drawn by one horse or mule, fifty cents—if by two horses or mules, seventy-five cents—if by four, one dollar.

SEC. 16. *Be it enacted*, That if any person shall forcibly or secretly pass said gate without paying the toll, or go around the said gate to avoid the payment of the toll, such person so offending shall forfeit and pay twenty-five dollars for every such offence, to the said Greer, his heirs, &c., recoverable before any Justice of the Peace in the State of Tennessee.

SEC. 17. *Be it enacted*, That the gate keeper or keep- ^{Gate keeper.} ers, appointed by said Greer, shall take an oath before some Justice of the Peace that they will not exact any greater toll than is by law allowed, and will justly and truly pay over to said Greer, &c., all moneys collected, when applied for.

SEC. 18. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, free negroes, in road districts, shall be bound to ^{Free negroes shall work on roads.} work on roads, as other hands in said road districts.

SEC. 19. *Be it enacted*, That Richard Steele, Esq., C. W. Chaney, J. W. Barker, Esq., Jos. Crawford, Col. Wm. Patton, W. H. Moss, John Ridley, Bird Fitzgerald, John Fitzgerald, of the County of Williamson, be, and they are hereby appointed Commissioners, to open books at any time and place they may choose, for the subscription of stock, to be used in the construction of a Turnpike road, running from Thompson's depot, on the Tennessee and Alabama Railroad, to connect with the Franklin and Carter's Creek Turnpike, at some point near Col. Cannon's old mill. ^{Commissioners.}

Capital stock,

Sec. 20. The capital stock of said Company shall be a sufficient sum to construct said road, not to exceed twenty thousand dollars, to be divided into shares of ten dollars each.

Meeting of stockholders.

SEC. 21. So soon as fifteen hundred dollars of said stock of the said road shall be subscribed for in money or labor, any three or more of the said Commissioners shall call a meeting of the stockholders of the said Company, by giving fifteen days' notice of the time and place of meeting, in some newspaper published in the county of Williamson, or in such other mode as they may direct; and at such meeting the subscribers for stock in said road shall elect seven Directors, one of whom shall be President, who shall hold their offices for two years, and until their successors are elected.

SEC. 22. The President and Directors may, in such manner as they think best, solicit and procure additional stock, and shall either by themselves or some competent person or persons appointed by them, make, lay out and locate said road, commencing at Thompson's depot, and running in any manner they may deem most suitable, to the Franklin and Carter's Turnpike road, at a point near Col. Cannon's old mill, having due regard to the interests and convenience of landholders situate thereon.

Cayer's Springs Turnpike Co.

SEC. 23. The said President and Directors are hereby made a body politic and corporate, under the name and style of the Cayer's Springs Turnpike Company, and by that name may sue and be sued, plead and be impleaded, and shall have all the privileges, rights, powers and immunities, given by law to the Nolensville Turnpike Company, except as they are locally inapplicable, and except that the State shall not be held liable for any portion of the stock in said Company: *Provided*, the said Company shall not erect more than one toll-gate for every five miles of said road.

SEC. 24. This act shall take effect, from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 132.

AN ACT to incorporate Holston Presbytery ; to repeal the act, passed February 25, 1856, ch. 79 ; to amend the charter of the Tennessee Female College ; to incorporate the Protestant Episcopal Church of the Advent ; to incorporate the Christianburg United Baptist Church ; to incorporate Edgely Cemetery ; to incorporate the Wardens and Vestrymen of Christ Church, and to incorporate the Convention of the Protestant Episcopal Church in the Diocese of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Francis McCorkle, Daniel Rogan, John R. King, Rufus P. Wells, E. T. Brantley, Jonathan Lyon, S. A. Rhea, J. B. Logan, A. A. Blair Jona. M. Huffmeister, Ministers of Holston Presbytery, and such others as may join said Presbytery, and their successors, elected according to the Constitution and forms of government of said Church, and the representatives of the following Churches, to wit: Mt. Zion, Timber Ridge, Kingsport, Cold Spring, Pleasant Grove, Jonesboro', Mt. Lebanon, Rogersville, Blountville, New Bethel, Liberty Hill, New Salem, Meadow Creek, Greenville, Mt. Carmel, Mooresburg, Elizabethtown, New Providence, and such other Churches as may be received by said Presbytery, and their successors representing said Churches, be, and the same are constituted a body politic and corporate, by the name and style of Holston Presbytery, with power to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all kinds of suits and actions generally, in any thing pertaining to the interests of said Presbytery, and to have succession for fifty years.

Holston Presbytery.

SEC. 2. *Be it further enacted*, That said corporation shall have power to receive by gift, donation or purchase, any notes, funds, personal or real estate or mixed property, and to sell, exchange, mortgage, or otherwise dispose of the same, as in the judgment of the said Presbytery may best subserve the interests of said Presbytery.

SEC. 3. *Be it further enacted*, That said corporation shall have power to provide for the election of representatives from its several Churches, to determine and fill vacancies, and to make its own rules for the reception of Ministers and Churches, and also for such other purposes as they may deem proper, so that the same be done according to the Constitution and form of government of the Presbyterian Church.

SEC. 4. *Be it further enacted*, That an act passed 25th of February, 1856, ch. 79, entitled An act to protect the

lay members of all ecclesiastical denominations against the domination of the clergy, be, and the same is hereby repealed.

Tennessee Female College.

SEC. 5. *Be it further enacted*, That the charter of the Tennessee Female College be so amended as that the polls for the election of Trustees shall be opened at 10 o'clock, A. M., and close at 12, M., on the day specified by notice, as prescribed in said charter.

Wardens and Vestrymen of the Church of the Advent.

SEC. 6. *Be it further enacted*, That Jas. B. Craighead, John Roberts, Wm. M. Reckless, Wm. E. Owen, T. B. Eastland, Jr., and their successors in office, be, and are hereby constituted a body politic and corporate, by the name and style of the Wardens and Vestrymen of the Church of the Advent, at Nashville, Tennessee, with power to sue and be sued, to plead and be impleaded, answer and be answered, in all kinds of suits and actions, and to do and perform all other acts and things which bodies corporate may lawfully do. That the corporation shall have power to receive by gift, donation or purchase, and to hold personal, real and mixed property: to sell, exchange, mortgage or otherwise dispose of the same, as in their judgment may best subserve the interests of said Church. That said Board shall be empowered to do all acts and things; to pass all by-laws which may be necessary to the carrying out the object of this corporation: *Provided*, none of said acts, by-laws and regulations be inconsistent with the Constitution and laws of the State. That a majority of said Board of Wardens and Vestrymen shall constitute a quorum to transact business.

Trustees of Christianburg United Baptist Church.

SEC. 7. *Be it further enacted*, That D. P. Walker, Thos. Stephens, John A. Rowan, Jos. Walker, John Hightower and George Stephens, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Christianburg United Baptist Church, on Fork creek, in Monroe county, Tennessee, with power to sue and be sued, plead and be impleaded, answer and be answered, in all kinds of suits and actions, and to do and perform all other acts and things which bodies corporate may lawfully do; and to have power to receive by gift, donation or purchase, and to hold personal, real or mixed property; to sell, exchange, mortgage, or otherwise dispose of the same, as in their judgment may best subserve the interests of said Church; that said Board shall have power to make all necessary by-laws, rules and regulations for their own government; to choose their own officers, in such manner as the said Board shall prescribe;

the mode in which their successors shall be chosen ; to fill vacancies, and such other acts and things as may be necessary and proper to the carrying out the objects of this corporation : *Provided*, none of their by-laws, rules and regulations shall be inconsistent with the Constitution and laws of this State.

SEC. 8. *Be it further enacted*, That Neil S. Brown, A. V. S. Lindsley, J. B. White, W. L. Foster, Nicholas Hobson and T. B. Hamlin, their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name and style of the Edgefield Cemetery Company ; to have perpetual succession ; may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law ; may have a common seal, which they may change or alter at pleasure ; may establish such by-laws, rules and regulations as they may deem proper for the government of said corporation : *Provided*, that the same shall be consistent with the charter and the laws of this State, and the Constitution and laws of the United States. That said corporation shall have power to purchase and hold a tract or tracts of land not exceeding two hundred acres, to be located on the north side of Cumberland river, not more than five miles from the city of Nashville, to be used as a Cemetery or burying ground forever. That all the powers, benefits, privileges and immunities conferred upon the Mount Olivet Cemetery, by an act, passed February 18, 1856, be, and the same are hereby conferred upon the Edgefield Cemetery Company.

Edgefield Cemetery Company.

SEC. 9. *Be it further enacted*, That Francis B. Fogg, John Shelby, Mathew Watson, Russell Houston, James Bankhead, John B. Johnson, G. M. Fogg, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of the Wardens and Vestrymen of Christ Church, at Nashville, Tennessee, with all the powers, rights and privileges, by this act conferred upon the Protestant Episcopal Church of the Advent, at Nashville.

Wardens and Vestrymen of Christ Church.

SEC. 10. *Be it further enacted*, That the Convention of the Protestant Episcopal Church, in the Diocese of Tennessee, is hereby incorporated ; and by that name may sue and be sued, plead and be impleaded, hold property, real, personal and mixed, by grant, donation or otherwise ; and said corporation shall have the same privileges and powers as are conferred upon the Annual Conference of the Methodist Protestant Church, by an act of February 17, 1854,

Protestant Episcopal Church.

ch. 282, entitled An act to incorporate the Annual Conference of the Methodist Protestant Church, Tennessee District.

Sec. 11. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 133.

AN ACT to give Sequatchie county a Director in the Branch Bank of Tennessee at Sparta; and to give Cheatham county a Director in the Branch Bank at Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the county of Sequatchie shall be allowed a Director in the Branch of the Bank of Tennessee, at Sparta, who shall be appointed as other directors are appointed; and that said Director have all the powers, privileges and immunities, and be subject to the same rules, regulations and restrictions of other Directors in said Branch Bank.

SEC. 2. *Be it further enacted*, That the county of Cheatham shall be attached to the Clarksville Bank District, and shall be entitled to a Director in the Branch Bank in said District.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 134.

AN ACT to charter the New Market Medical Society; for the benefit of Floral Mount Female Academy; to incorporate Lebanon Lodge, No 98, of Free and Accepted Masons; to charter the Caledonia Academy, in Henry county; to amend the charter of the Incorporation for Springfield, in Robertson county, and of Kingston, in Roane county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. Blackburn, J. M. Burnett, J. G. Pepper, J. F. Rhoten, J. W. Thornburg, B. F. McFarland, W. P. Massengill and others, with whom they may choose to associate, be, and are hereby incorporated as a body politic, by the name and style of the New Market Medical Society, and by that name may sue and be sued, plead and be impleaded; said corporation shall have all the powers granted to the Medical College in the city of Nashville, passed the 13th November, 1849; said corporation shall have the usual powers granted to such corporations, to pass by-laws, and shall have power to confer degrees, and shall have succession for ninety-nine years.

New Market
Medical Society.

SEC. 2. *Be it further enacted*, That Peter A. Wilkinson, M. V. Alexander, H. S. Young, Nelson Y. Adams, Charles J. Bratton, M. Johnson and Iridell L. Roark, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of Floral Mount Female Academy, in the county of Macon, and by that name shall sue and be sued, plead and be impleaded, and have succession for ninety-nine years; and shall have power to buy, receive by gift, devise or otherwise, and dispose of the same by deed, signed by the President of the Board, an amount of property, real and personal, not exceeding ten thousand dollars; and shall have and exercise such powers and rights, as are usually exercised by incorporated companies; and said Academy shall be situated in or near Lafayette.

Floral Mount Fe-
male Academy,

SEC. 3. *Be it further enacted*, That five of said Trustees shall constitute a quorum for the transaction of business, and are authorized to elect a President, Secretary and Treasurer; and they may make such rules and by-laws as they may deem necessary, not inconsistent with the laws of this State. And upon the death, resignation or refusal to act, of any of said Trustees, the remainder shall have the right to fill such vacancy.

Trustees.

SEC. 4. *Be it enacted*, That said Floral Mount Female Academy, shall be entitled to one-half of the Academy Fund going to Macon county, and likewise they shall have

Treasurer—his
duties.

one-half of the fund that has already been accumulated by the Male Academy of said county. And the Treasurer of said Floral Mount Academy, shall before entering upon the discharge of his duties, enter into bond, with two good securities, in the sum of twenty-five hundred dollars, payable to the President of the Board, and his successors, for the payment of the funds and the discharge of his duties; and he shall loan out the funds in his hands, under the direction of the Board of Trustees, and he shall make a report every year, on the 1st day of January, to the County Court of Macon, and which shall be spread on the minutes of said court.

Male Academy of
Macon county.

SEC. 5. *Be it further enacted*, That the charter of the Male Academy of Macon county, chartered 4th December, 1843, be so amended as to confer on the Trustees and Treasurer of said Academy, the same powers in the management of their funds as are conferred by this act on the Trustees of Floral Mount Female Academy.

Lebanon Lodge,
No. 98. Free and
Accepted Ma-
sons.

SEC. 6. *Be it enacted, by the authority aforesaid*, That the members of the Lebanon Lodge, No. 98, of Free and Accepted Masons, and their successors, be, and they are hereby constituted a body corporate and politic, by the name and style of the Lebanon Lodge, No. 98, and in that name may sue and be sued, plead and be impleaded, and to do and perform all such other acts and things as are necessary for the promotion of the interests of said corporation, not inconsistent with the Constitution and laws of this State.

SEC. 7. *Be it enacted*, That said corporation shall have power to receive by gift, purchase or otherwise, and hold real or personal estate, and to sell, mortgage and exchange the same as in their judgment may best promote the interest of said corporation: *Provided*, that the property so held, bought, given or sold, shall be held, bought, given or sold for the legitimate and proper object of a Masonic Lodge, and no other.

By-Laws.

SEC. 8. *Be it enacted*, That said corporation may have a corporate seal, and succession for ninety-nine years, and may pass such by-laws, and adopt such rules and regulations as may be necessary for the government of said Lodge: *Provided*, that the same are not inconsistent with the Constitution and laws of this State, or the Constitution of the United States.

Caledonia Acad-
emy.

SEC. 9. *Be it further enacted*, That there shall be established in the county of Henry, an institution of learning, having a corporate existence, under the name and style of the Caledonia Academy.

SEC. 10. *Be it enacted*, That said institution shall be a joint stock company; that one hundred dollars shall constitute one share; that G. N. Foster, A. G. Harris, W. W. Hughes, G. R. Mosely, J. N. Dinwiddie, Robert Jones, George Ridley, W. B. Moore, W. M. Maxwell, S. M. Curtis, E. P. Randal, Ephraim Miller, be its present stockholders; that they shall have power^{to elect their successors; to receive new members wishing to become stockholders; to regulate the qualification of voters; to elect a separate Board of Trustees, and their successors from the members or stockholders of the society, who shall attend to the managing and conducting of the school, reserving the power to elect teachers, and to manage the financial matters to the stockholders; to have all legal powers usually granted to such institutions. In case of forfeiture of their charter, to have the power to sell or dispose of, in whatever way they may wish, all the real and personal property belonging to the joint stockholders, and after paying its debts, to divide, by pro rata distribution, the remainder among the stockholders; to dispose of, as they may see fit, the profits of the school; to confer such degrees, and literary honors as are usual for such institutions; to hold meetings at such times and places designated by vote; that a majority shall constitute a quorum to transact business.} Stockholders—their powers.

SEC. 11. *Be it enacted*, That the teachers of the school and Board of Trustees shall have the power to suspend or expel a student, and the Principal of the school shall have power to say to which body the student's case shall be referred, but in case of student's being expelled by the Faculty and Teachers, he shall have the power of appealing to the Trustees, who by a majority of two-thirds may reinstate him.

SEC. 12. *Be it enacted*, That said corporation shall be governed in all things, not herein expressed, by the constitution, and such by-laws and regulations as it may adopt. That the property belonging to the corporation shall be exempt from taxation; shall have power to sue and be sued, plead and be impleaded, to hold real and personal property.

SEC. 13. *Be it enacted*, That W. E. Travis, R. Thogmartin, J. F. Collins, A. Robins, W. B. Vessey, J. F. Cox, W. F. Morton, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Manlyville Male and Female Academy, located at Manlyville, in Henry county.

SEC. 14. *Be it enacted*, That said corporation shall be invested with the same powers, rights and privileges, as other incorporations of a similar character.

Springfield.

SEC. 15. *Be it enacted*, That the corporation of the town of Springfield, in the county of Robertson, be authorized to elect a Constable and Magistrate within said corporation, whose powers, duties, privileges and liabilities, shall be the same as those of other Constables and Magistrates in said county, except that it shall be the especial duty of the Constable, so elected, to arrest each and every person who shall be guilty of a violation of the by-laws and ordinances of said corporation, and take him, her or them immediately before some justice of the peace, whose duty it shall be to try the person or persons so offending, according to the by-laws and ordinances of the corporation of said town.

Kingston.

SEC. 16. *Be it enacted, by the authority aforesaid*, That the charter of the corporation of the town of Kingston, in the county Roane, be so amended, as to authorize the Board of Mayor and Aldermen to appoint a Marshal for said corporation, who shall have full power to arrest any person or persons charged with violating any of the criminal by-laws of said corporation, and who shall have the same powers and privileges in the execution of the criminal by-laws of said corporation, and shall be governed by the same rules and regulations, and receive the same fees as those received by the town Constable of said corporation.

SEC. 17. *Be it further enacted*, That when said Marshal shall be so appointed and qualified, the duties heretofore devolving upon the town Constable, in relation to the execution of the criminal by-laws of said corporation, shall be performed by the Marshal aforesaid, during his continuance in office.

Mason's Grove.

SEC. 18. *Be it enacted, by the General Assembly of the State of Tennessee*, That the town of Mason's Grove, in the county of Madison, be, and the same is hereby incorporated, with all the rights, powers and privileges as are conferred by an act, passed January 24, 1854, entitled An act to incorporate the town of Sommerville, in the county of Fayette, except so much of the twelfth section of said act, as refers to livery stable keepers, negro traders and tavern keepers. And that the election of Constable and Recorder shall be by the legal voters, instead of by Mayor and Board of Aldermen, as provided for in the act incorporating Sommerville; and that the election of officers of said town shall be held by the Constable of the district of said county, in which said town is situated, on the first Saturday in April next, 1858, and on the first Saturday in January of every year thereafter.

SEC. 19. *Be it enacted*, That the following be the limits of the town of Mason's Grove: Beginning at the south-

west corner of W. B. Wilson's lot, running north forty-four poles to a stake on Masonic street; thence east on the north side of said street fifty poles to a stake; thence north seventy-six poles to a stake in E. B. Mason's field; Boundary. thence thirty poles to D. W. Thompson's southwest corner; thence north fifteen poles to a stake in D. W. Thompson's west line; thence east seventy-eight poles to two apple trees on Mrs. Hamilton's land; thence south seventy-four poles to a stake; thence east twenty-eight poles to a red oak; thence south sixty-three poles to a stake; thence west fifty-two poles to the north-east corner of Dr. Fox's lot; thence south forty-six poles to a stake; thence west one hundred and sixteen poles to a stake on J. B. Baykin's east boundary line; thence north on the west side of said road forty-eight poles to W. B. Wilson's south boundary line; thence west with said line eighteen poles to the beginning; and that all laws which come in conflict with this act—so far as it relates to the town of Mason's Grove—be, and the same are hereby repealed.

SEC. 20. *Be it further enacted*, That the corporation laws of the town of Cleveland, in Bradley county, Tennessee, be, and are hereby so amended, that the Mayor of said town Cleveland. shall have jurisdiction to try and determine all cases arising for a violation of the laws and ordinances of the incorporation, and to issue execution on the judgment rendered. That in the absence of the Mayor, the Recorder of said corporation may try the causes aforesaid, render judgment and issue execution as fully as the Mayor. That the Marshal of said town have power to serve all warrants and process issued by said Mayor or Recorder, as the case may be, and collect by process of execution, all judgments rendered in favor of said corporation, making due return thereof. This act takes effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed March 15, 1858.

CHAPTER 135.

AN ACT for the benefit of the securities of Andrew Johnson, late Sheriff of Lewis county

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for each of the securities of Andrew Johnson, late Sheriff of Lewis county, to execute his promisory note, with good and sufficient security, under the supervision of the Attorney General of the District in which the said county is situated, to be approved by the Circuit Court Clerk of Lewis county, for such portion of the State taxes due from the said Andrew Johnson, late Sheriff of said county of Lewis, for the year 1854, as will be his equal proportion of the amount for which he is bound, jointly, with the other securities of said Sheriff for said year; which note shall be made payable two years after date, bearing interest from date, and shall be made payable to the Clerk of the Circuit Court of said county of Lewis, or his successors in office, for the use of the State of Tennessee, and shall be collected by said Clerk when due, and the proceeds accounted for by him, as other public monies: *Provided*, nothing in this act contained shall be so construed as to release any one of said securities, until notes with good and sufficient security as aforesaid, covering the whole amount of said liability for the year 1854, as aforesaid, shall have been executed as above set forth and required; then the said securities shall be released from all liability on said account, other than that arising out of said notes; and if the Attorney General of the District has heretofore obtained any judgment against said securities of said Sheriff, as by law he is required to do, or if he has taken any steps to obtain judgment as aforesaid, he is hereby authorized and required, upon the execution of said notes as aforesaid, to satisfy said judgment, or to dismiss and discontinue said proceedings upon the payment of said securities, of all costs that may have heretofore accrued in said cause.

SEC. 2. *Be it further enacted, by the authority aforesaid*, That the County Court of Lewis county, a majority of the Justices of said county concurring therein, may make the same arrangement of the said Andrew Johnson, under the supervision of the Attorney General of the District, in relation to the county revenue due from the said Andrew Johnson and his said securities, for the year 1854, that is by the first section of this act, authorized to be

Promisory note.

Collected when due.

made in relation to State revenue for said year; and should notes be executed and money collected under the provisions of this section, the same shall be accounted for and paid over by the Clerk of the Circuit Court of said county of Lewis, to the trustees of the said county. Clerk to pay Trustees.

SEC. 3. *Be it further enacted, by the authority aforesaid,* That the securities of the Clerk of the Circuit Court of the county of Lewis, shall be bound for the faithful application of such monies as may be by him collected, under the authority and provisions of this act.

SEC. 4. *Be it further enacted, by the authority aforesaid,* That this act shall take effect and be in force from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 16, 1858.

CHAPTER 136.

AN ACT for the benefit of F. M. Boyd and Lewis M. Luttrell, and to change the line of Lewis county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury of Tennessee, is hereby directed to issue his warrant upon the Treasurer of this State, in favor of F. M. Boyd, for the sum of twenty-five dollars, for expenses incurred and paid by him in conveying John Gwynn, a fugitive from justice, from Coffee county, to McNairy county, in this State, and for other services rendered the State. Boyd.

SEC. 2. *Be it further enacted,* That the sum of twenty-five dollars, be, and is hereby appropriated out of the Treasury, for the benefit of Lewis M. Luttrell, of the county of Knox, for arresting and delivering to the jailor at Knoxville, Gallaway Campbell. Luttrell.

SEC. 3. *Be it enacted,* That the Comptroller issue his warrant to William J. McNew, for the cost due him for himself and guard, for bringing Janway, a State's witness, from Knoxville to Jacksboro', by order of the Circuit Court, whenever said costs are certified by the Circuit Court and Attorney General to be correctly taxed and due said McNew and guard. McNew.

County line between Lawrence and Lewis.

SEC. 4. *Be it further enacted*, That the county line between the counties of Lawrence and Lewis, be so changed as to make the Lewis county line, beginning on the south boundary of Lewis, at the north-west corner of Lawrence, run thence southwestwardly with the west boundary of the same far enough to include old man Brewer's premises, on the head of the west prong of Brush creek; thence in a northeasterly direction, running east and north so as to include all of the Brush creek settlers in the county of Lewis, to a point where the old Natchez trace road crosses Little Buffalo, just above Wm. Pollock's; thence with said Natchez trace road to the south boundary of Lewis.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 137.

AN ACT to establish a Chancery Court at Maynardsville, in the county of Union.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Union shall constitute a separate Chancery District, and that the Court of the same shall be held by the Chancellor of the Eastern Division of the State of Tennessee, at the court house, in the town of Maynardsville, in the county of Union, on the Thursday before the first Monday in May and November, in each and every year.

Suits may be transferred.

SEC. 2. *Be it further enacted*, That suits now pending in the Chancery Courts at Rutledge, Tazewell, Jacksboro', Clinton and Knoxville, between parties now residing in the county of Union, may, by the consent of the parties, be transferred to the Chancery Court at Maynardsville.

SEC. 3. *Be it further enacted*, That upon any transfer being made, in pursuance of the second section of this act, it shall be the duty of the Clerk and Master of the Chancery Court at Rutledge, Tazewell, Jacksboro', Clinton and Knoxville, within forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all the rules in relation to the same, either upon the Record Books of said Court, or upon the Rule Docket, and transmit the same, together with the original

papers, to the Clerk and Master, at Maynardsville; and the Clerk thereof shall receive the usual fees, to be taxed with the bill of costs.

SEC. 4. *Be it further enacted*, That the citizens of said county of Union, may file bills in the Chancery Court at Rutledge, Tazewell, Jacksboro', Clinton or Knoxville, at their election.

SEC. 5. *Be it enacted*, That this act take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 138.

AN ACT to amend the charter of the Nashville Coal Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the privileges granted to the Citizens' Coal Company, of Nashville, by charter and amendments, be, and the same are granted to the Nashville Coal Company, for the same period.

SEC. 2. *Be it enacted*, That any two of the officers of the said Nashville Coal Company, may reside out of the State of Tennessee.

SEC. 3. *Be it enacted*, That no banking or brokerage privileges shall be allowed, nor shall any State aid be granted by this act.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 139.

AN ACT to abolish certain privileges, and to confer equal rights upon the members of the Bar and their clients, in Middle Division of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of 21st January, 1846, chapter 83, and all other laws or parts of laws now in force

in the State of Tennessee, conferring any special right, upon any Circuit or Circuits, to have their causes first taken up and heard in the Supreme Court of the State, be, and the same is hereby repealed.

Judges may arrange time, &c.

SEC. 2. That from and after the passage of this act, no Judicial Circuit, or the parties litigant therein, and who may bring their causes into the Supreme Court, shall have any right or preference over other Circuits or parties litigant to have their causes first heard, but that the Judges of the Supreme Court shall, in their discretion, arrange the times of taking up for hearing the different Circuits, in such order as they may prescribe, so as to do equal justice to all, as near as may be, without being required at all times, as heretofore, to take up some one particular Circuit first.

Three months' notice.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Judges of the Supreme Court, to make publication three months in advance of the order in which they intend to take up the consideration of causes, in the Circuits of each Grand Division of the State.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 140.

AN ACT for the Inspection of Flour in Nashville and Clarksville, and the landing adjacent thereto.

Flour Inspectors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Courts of Davidson and Montgomery, at any quarterly Court by them held, shall appoint three Inspectors of Flour, for their respective counties, for the term of one year from their appointment, who shall take an oath faithfully to discharge the duties of Flour Inspectors.

Fees.

SEC. 2. They shall be entitled to charge five cents for each barrel of flour inspected by them, in full compensation for their services.

SEC. 3. Each barrel of flour shall contain one hundred and ninety-six pounds of flour, English weight, and if intended for the first quality, shall be branded, Superfine;

and on each barrel intended for second quality, shall be branded, Fine; and on each barrel intended for third quality, shall be branded, Midlings; but when any flour shall be found to correspond with the manufacturer's brand, as superfine or fine, the Inspector shall brand, city of Nashville, or city of Clarksville, as the case may be, which shall entitle it to be sold as bearing the quality thereon described. If the quality of the flour branded by the manufacturer, as superfine, shall appear by inspection to be fine only, or when marked as fine shall appear to be superfine, such inspection, in addition to the words, city of Nashville, or Clarksville, as the case may be, shall add, fine or superfine as the case may be. No Inspector shall purchase any flour, other than for his private use, under a penalty of two hundred dollars.

SEC. 4. For the inspection of flour, the Inspector shall be provided with a half inch barrel auger, with which each barrel of flour shall be bored into, so as to satisfy themselves of the quality of the flour; and if any flour shall be found on examination to contain mixture of Indian meal, or any other mixture, the person offering the same shall forfeit and pay the sum of four dollars for every barrel so mixed, and the flour shall be liable for the payment thereof.

SEC. 5. If any person shall alter or erase any brand or mark of the Inspector, every person so offending shall forfeit and pay the sum of fifty dollars for every such offence, one-half to the use of the person prosecuting for the same.

SEC. 6. It shall be lawful for any owner, agent, consignee or receiver of flour, to sell or ship the same, with or without inspection: *Provided, however,* that said owner, agent, consignee or receiver, shall be bound to have any flour offered for sale, inspected; said inspection, when required, shall be made by the Inspectors appointed under this act.

SEC. 7. *Be it further enacted,* That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 141.

AN ACT to provide an annual sum for the support and maintenance of the Memphis Hospital.

Amount appro-
priated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five thousand dollars, be, and the same is hereby annually appropriated out of any money in the Treasury of the State, to the Memphis Hospital for the years 1858 and 1859, to be paid to the Treasurer of the Board of Trustees of said Hospital, upon the warrant of the Comptroller of the State, by instalments every six months, the first instalment to be paid the first day of July, 1858.

SEC. 2. *Be it enacted*, That the fourth section of an act, passed February 27, 1854, making it the duty of the Board of Aldermen, of the city of Memphis, to elect seven Trustees for said Memphis Hospital, be, and the same is hereby repealed.

Trustees.

SEC. 3. *Be it enacted*, That Eugene Magorney, William H. Carroll, Benjamin F. Dill, Edward Munford, John L. Saffarans, Tobias Wolfe and George W. Fisher, be, and they are hereby appointed Trustees for said Memphis Hospital for two years from the term of office of the present Trustees, and until their successors are appointed and qualified.

SEC. 4. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 18, 1858.

CHAPTER 142.

AN ACT for the relief of Joseph E. Simpson, and other citizens of the county of Washington, and for other purposes.

WHEREAS, on the first Monday (5th day) of May, 1856, the County Court of the county of Washington, acting in the belief that the office of Surveyor for said county had become vacant by expiration of the term of service of

Ephraim Murray, the former incumbent, elected Joseph R. Simpson, of said county, to fill said office: And whereas, the Supreme Court at Knoxville, in October, 1857, decided on appeal, that said Simpson was not duly and legally elected to said office, because of the fact, that the term of office of the said Murray had not expired.

SECTION 1. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That all of the official acts of Joseph R. Simpson and his deputies, Jonathan H. Tucker and Alexander Mathis, citizens of said county of Washington, acting in the capacity of Surveyors, be, and they are hereby ratified, confirmed, and shall to all intents and purposes, be as good and valid, as if they had been done by the said Murray, or by persons acting under his authority.

Simpson's official
acts made valid.

SEC. 2. *Be it enacted, by the authority aforesaid*, That the said Simpson and his deputies have twelve months, from and after the passage of this act, to settle and wind up their unfinished business as Surveyors.

SEC. 3. *Be it further enacted*, That if the Chancery Court of Bledsoe county shall dismiss the bill of injunction filed therein against the Commissioners of the county of Sequatchie, to prevent the organization and establishment of said county, under an act passed by this General Assembly, and there shall be no appeal from the decree of said court, then it shall be the duty of the Chancellor of the fifth Chancery Division, either in term time or vacation, to order the Sheriff of Hamilton county, upon a day to be specified by the Chancellor, to open and hold an election at the various voting places in Sequatchie county, for county officers of said county, as prescribed in the act establishing the county.

SEC. 4. *Be it enacted, by the authority aforesaid*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17,, 1858.

CHAPTER 143.

AN ACT to organize the county of Powell, under the act of 1853-4.

Election.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fractional portions of the counties of Sullivan, Hawkins, Greene and Washington, which compose the county of Powell, when organized, be authorized to meet and hold an election in the several fractions stricken off of Sullivan, Hawkins, Greene, and Washington, by an act, passed March, 1854, to establish the county of Powell, by the Commissioners thus named in this and said act of 1854; said Commissioners giving twenty days notice in one public place, or more, if they think necessary, of the time and place to open and hold an election in the fractions thus stricken off for the purpose of ascertaining whether a majority of the voters, residing in those fractions, are in favor of, or opposed to the establishment of Powell county.

SEC. 2. *Be it further enacted*, That if a majority of said fractions, thus stricken off, shall vote for the new county, then the county of Powell shall be, and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the penalties with other counties in this State.

SEC. 3. *Be it enacted*, That the provisions of an act, passed 2d day of March, 1854, establishing the county of Powell, be, and the same are hereby declared to be in full force, and apply so far as is consistent in the establishment of said county under the provisions of this act; and if a majority of said fractions shall vote to be thus attached, then the act passed the 2d day of March, 1854, shall be, and is declared to be in full force. Said Commissioners shall comply with, and be governed by all the provisions declared in said act, and all the benefits therein granted shall enure to the benefit of said county of Powell.

Commissioners.

SEC. 4. *Be it further enacted*, That the following Commissioners be appointed, to wit: George W. Wells, Dr. M. F. Girls, who shall act in the place of William Phipps and Joseph Rodgers, deceased.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed March 17, 1858.

CHAPTER 144.

AN ACT to amend an act, incorporating the Widow's and Orphan's Asylum of the city of Memphis, passed February 12, 1852, chap. 270.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the Widow's and Orphan's Asylum, of the city of Memphis, be, and the same is hereby changed to the Leath Orphan Asylum, of the city of Memphis. Leath Orphan Asylum.

SEC. 2. *Be it enacted*, That the Trustees and Managers of the Leath Orphan Asylum, of the city of Memphis, may receive into said Asylum, any orphan, destitute child or children, or by and with the consent of parents, may receive any other destitute child or children, the parents of such child or children not being able to support and educate them. And the Trustees of said Asylum may provide for the support and education of such children as may come under their care, as above described; and when such child or children have obtained a proper age, not exceeding fourteen years, the said Trustees may apply to the County Court, to have such child or children bound out, to learn suitable trades or business, to such person or persons as the Trustees may recommend.

SEC. 3. *Be it enacted*, That it shall be unlawful for any person or persons, to decoy or abduct any child or children from the Leath Orphan Asylum, under a penalty of five hundred dollars, to be recovered for the use of the Asylum, by suit in the name of the Trustees of the Leath Orphan Asylum, of the city of Memphis. Penalty to abduct or decoy.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 145.

AN ACT for the relief of James Curtis and others.

Be it enacted by the General Assembly of the State of Tennessee, That James Curtis, John Howard and B. C. Pettitt, administrators of A. D. Gentry, deceased, are entitled to demand and receive from the Common School Commissioners of Toqua School District, in Monroe county, the sum of one hundred and twenty-five dollars each, costs by them expended in defending suit brought against them as Common School Commissioners for the school land situated in said district; and that said compensation be paid out of monies belonging to said district, according to act of Assembly, passed February 20, 1852.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 18, 1858.

CHAPTER 146.

AN ACT directory to the Comptroller of the Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller immediately procure a book, properly ruled for that purpose, in which he shall register the number and date of every bond of the State heretofore issued, or which shall be hereafter issued, under proper heads, showing for what purpose, and to whom issued.

Bonds.

Opposite to the number and date of the bond, and on the same or subsequent pages, he shall have as many columns as there are coupons attached, with headings to each column showing the date at which the coupons fall due; and in said columns he shall mark every coupon as paid, as soon as the warrant issues therefor; said book shall further show the final payment of the bond.

Coupons.

SEC. 2. *Be it further enacted,* That whenever the Comptroller shall issue his warrant, as aforesaid, for any coupons so presented to him, he shall write across the face of such

coupons the number of the warrant issued for its payment, and shall write opposite the said coupon, when pasted in the book as aforesaid, the date and number of the warrant issued for its payment, and the name of the person presenting said coupon, and to whom the warrant may have been issued.

SEC. 3. A violation of the provisions of this act shall be a misdemeanor in office, and the offender shall, on conviction be fined not less than two hundred and fifty dollars, nor more than five hundred dollars—one hundred dollars of said fine to go to the informer, and the remainder to the State Treasury.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 18, 1858.

CHAPTER 147.

AN ACT to amend the charter of the Gas Light Company of the city of Memphis, and to incorporate the Gas Light Company of the city of Clarksville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the President, Directors and stockholders in Gas Light Company, in the city of Memphis, to increase the capital stock in said Company to a sum not exceeding three hundred thousand dollars, subject to the same rules, regulations and restrictions, as provided in the original act of incorporation.

SEC. 2. *Be it further enacted*, That D. W. Kennedy, Wm. Munford, Jno. S. Hart, B. Stewart, G. A. Henry, Ed. Thomas, C. Faxon, W. Vance, R. Moore and C. M. Hiter, be, and they are hereby incorporated a body politic under the name and style of the Clarksville Gas Company, for the purpose of erecting all necessary buildings connected with gas works, and to establish gas works in the city of Clarksville, and all the rights, powers, privileges, benefits and immunities, conferred upon the Gas Company of Nashville and Memphis, by their charters, and the

Clarksville Gas
Company.

amendments thereto, be, and are hereby given and granted to said Company of Clarksville.

SEC. 3. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 18, 1858.

CHAPTER 148.

AN ACT to correct a mistake made in the payment of monies into the State Treasury.

WHEREAS, the Clerk of the Supreme Court, at Nashville, in his settlement of the revenue for the fiscal year ending first September, 1857, accounted for and paid over to the Treasurer of the State of Tennessee, two items of revenue which did not belong to the State, but should have been paid over to the County Trustee of Davidson county: *And whereas*, it is evident the said officer was mistaken, although acting in good faith, in paying over said moneys, as afore-said, to wit: a fine of fifty dollars, imposed by the Supreme Court, on W. Creighton, for contempt, at its December term, 1856; and a fine of five hundred dollars, imposed on the Traders' Bank, for a violation of the 3d section of an act passed March first, 1856, and found on page 98 of said acts: Therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the State of Tennessee, be, and he is hereby directed to pay over to the Trustee of Davidson county, said two fines, amounting to five hundred and fifty dollars.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 18, 1858.

CHAPTER 149.

AN ACT to incorporate Relie^o Fire Company, No. 7, in the city of Memphis; the Nashville, Memphis, Clarksville, Knoxville and Chattanooga "Fire Police," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. B. Miller, W. D. Ferguson, A. L. Goff, John B. Robinson, H. G. Dent, Joseph Tildesley, Joseph Barbier, Jr., J. K. Taylor, Geo. Dixon, John Martin, E. M. Apperson and their associates, be, and they are hereby incorporated by the name and style of Relief Fire Company, No. 7, in the city of Memphis, with power to continue its organization, to establish and own a library, to hold and own a house and lot sufficient to accommodate its engine and books, and the general transaction of business; to sell and convey said property, or any part thereof, and to re-invest the proceeds for the benefit of said Company; to pass by-laws and establish rules for the government of its members, and with the further power to enforce said laws, for the purpose of effecting the objects of its organization; and to use and have a common seal, which may be altered, annulled and renewed at pleasure.

SEC. 2. *Be it enacted*, That said Company shall not, at any time, be composed of more than three hundred members. The officers of said Company shall be exempt from serving on juries, and the members thereof shall be exempt from military service in times of peace, and from paying a corporation poll tax.

SEC. 3. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 4. *Be it enacted*, That Thomas J. Haile, H. L. Claiborne, Jos. Barnard, George W. Cunningham, L. B. Fite, Aaron Stretch, John Ramage and Jo. Edwards, and their associates and successors, be constituted a body politic and corporate, by the name and style of the Nashville Fire Police, for the purpose of keeping up a fire police to preserve order, save property, and guard the same during the prevalence of fires and confusion incident thereto, with power to continue their organization, to sue and be sued, to purchase a library, and a house and lot, for the convenient transaction of its business, to sell and convey the same, and to re-invest the money, as they may desire; to establish a benevolent or relief fund; to have and use a common seal,

and such other powers as are given by law to Fire Companies.

SEC. 5. *Be it enacted*, That said Fire Police shall consist of not more than two hundred members, to be formed by the opening of subscription books, or such other means as the above corporators may adopt, who shall reside or be engaged in business within the corporate limits of the city of Nashville, and that they shall be exempt from serving on juries, and shall have the power to pass rules and by-laws for their government, and to enforce the same by the collection of fines and forfeitures, for the purpose of effecting the objects of their creation.

SEC. 6. *Be it enacted*, That said Fire Police shall have the power to make arrests, for any improper acts during the continuance and confusion of fires, and to enforce the aid of by-standers, when necessary, for the public safety, either in the rescue and protection of property, or for assistance at the engines and other apparatus—for which purpose they shall adopt some suitable badge to distinguish them; any person refusing to aid, or obey the proper requirements, on such occasions, shall be subject to such penalty as the city laws may impose, not inconsistent with the State laws, the city being vested with authority to enact the same; all persons arrested being subject to their penalties.

Memphis Fire
Police.

SEC. 7. *Be it enacted*, That Joseph Williams, Charles Carroll, Marsh Walker, G. Smither, William Miller, Jos. Specht and J. W. Unthank, and their associates and successors, be constituted a body politic and corporate, in the city of Memphis, by the name and style of the Memphis Fire Police, with the same powers, privileges, provisions and restrictions, conferred upon the Nashville Fire Police, as above.

Clarksville Fire
Police.

SEC. 8. *Be it enacted*, That Til. Willis, Thomas King, Ed. Thomas, D. N. Kennedy, Thomas Wisdom and R. W. Johnson, and their associates and successors, be constituted a body politic and corporate, in the city of Clarksville, by the name and style of the Clarksville Fire Police, with the same powers, privileges, provisions and restrictions, conferred upon the Nashville Fire Police, as above.

Knoxville Fire
Police.

SEC. 9. *Be it enacted*, That A. G. Jackson, Sam. Morrow, Sam. B. Boyd and Robt. Craighead and their associates and successors, be constituted a body politic and corporate, in the city of Knoxville, by the name and style of the Knoxville Fire Police, with the same powers, privileges, provisions and restrictions, conferred upon the Nashville Fire Police, as above.

SEC. 10. *Be it enacted*, That W. S. Bell, Milo Smith, Chas. E. Greenville, Wm. Crutchfield and Wm. L Rogers, and their associates and successors, be constituted a body politic and corporate, in the city of Chattanooga, by the name and style of the Chattanooga Fire Police, with the same powers, privileges and restrictions, conferred upon the Nashville Fire Police, as above.

Chattanooga Fire
Police.

SEC. 11. *Be it enacted*, That this act take effect from and after its passage.

SEC. 12. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Friendship, in the County of Dyer, and the inhabitants thereof, be and they are hereby incorporated a body politic, under the name and style of the Mayor and Aldermen of the town of Friendship, and by that name and style may have all the rights, powers and privileges, given to the town of Ripley, in Lauderdale county, and the inhabitants thereof, by an act passed at the present session of the Legislature of Tennessee, entitled, An act to incorporate the town of Hartsville, and for other purposes.

Mayor and Aldermen of the town
Friendship.

SEC. 13. *Be it further enacted*, That the corporate limits of said town shall be as follows: Beginning at the north-west corner of a two acre lot, belonging to James Sudbury; running thence east one hundred and twenty poles to a stake; thence southward one hundred and ninety poles to the south-east corner of J. Jackson's lot; thence west one hundred and twenty poles to a stake; thence north one hundred and ninety poles to the beginning; and that this act take effect from and after its passage.

SEC. 14. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Morganton, in the county of Blount, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Morganton, with all the rights, powers and privileges, granted to the town of Bristol, in the county of Sullivan, by an act passed on the 22d day of February, 1856.

Morganton.

SEC. 15. That there shall be elected, by the qualified voters of the town of Morganton, an additional Justice of the Peace, to be elected at the time of electing the Aldermen, as provided aforesaid; and the said Justice shall forever afterwards be elected as other Justices of the Peace for Blount county are elected.

SEC. 16. The boundaries of said town of Morganton, shall be as follows, to wit: Commencing at the ford above the warehouse, on Little Tennessee river; thence up the hill, crossing the ferry road, to Jabez Coulson's orchard fence; thence with said fence around to the road leading

Boundaries, &c.

to Wears' and Hall's ferry; thence with that road to the intersection of the Maryville road, opposite the grave yard; thence a straight line to Mrs. Cobb's house; thence a straight line to John M. Heiskell's house; thence a straight line to the west bank of Baker's creek, at a point where Edmond Wayman's machine dam strikes the said bank; thence with the west bank of said creek to the Little Tennessee river; thence up the river to the beginning.

SEC. 17. That this act take effect from and after its passage.

Charter of Memphis.

SEC. 18. *Be it further enacted*, That the Memphis city charter be so amended, as to permit the citizens thereof to vote in all municipal elections, who are otherwise qualified, whether they have paid their corporate and poll tax, or not, and all laws in conflict herewith be and the same are hereby repealed; and that this act shall be in force from and after its passage.

SEC. 19. *Be it further enacted*, That the Marshal of the town of Cleveland, Bradley county, Tennessee, shall have power and authority to distrain and collect the corporate taxes of said town.

SEC. 20. *Be it enacted*, That the Mayor and Aldermen of the corporation of the town of Dover, shall have power to regulate foot pavements and sidewalks in the streets of said town, and if the owner or owners of lots shall fail to comply with the provisions of such by-laws, within such time as may be prescribed thereby, the corporation may contract with some suitable person or persons, on the best terms that can be made, for the construction of such sidewalks or pavements, and pay for the same, and the amount so paid shall constitute a charge against the owner or owners of such lot, or lots, to be recovered against them by suit, before any tribunal having jurisdiction thereof.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 150.

AN ACT for the benefit of the Memphis and Charleston Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis and Charleston, and Nashville and Chattanooga Railroad Companies, may,

by agreement, contract for the joint use or ownership of that part of the Nashville and Chattanooga Railroad extending from Stevenson to Chattanooga, on such terms, as said Companies may mutually agree upon.

SEC. 2. The contract, if made, shall be submitted to the Governor and Road Commissioner of the State, and if approved by them, then, in order to provide for the extension in making necessary additional tracks and otherwise preparing the road to accommodate fully the trains and business of both Companies, and to enable the Memphis and Charleston Company to comply with the contract of consolidation, the said Memphis and Charleston Railroad Company shall be entitled to receive from the Governor such State bonds, as are issued under the Internal Improvement laws of the State, to an amount equal to one-half of the amount heretofore given by law to said Company, to enable them to make an independent extension of their road to Chattanooga, and in lieu of said former grant of State aid, the amount to be ascertained by report of the Road Commissioner to the Governor. Bonds.

SEC. 3. For the payment of such bonds and the interest thereon, the said Memphis and Charleston Railroad Company shall be liable, and their entire road and appurtenances be bound to the State in the same manner as for State bonds heretofore issued to said Company: *Provided*, that section 5th of an act passed February 21st, 1856, chapter 120, shall apply in full force to said Memphis and Charleston Railroad Company.

SEC. 4. The bonds of the State shall not issue to said Company until it shall have expended twenty thousand dollars in the improvement of said Nashville and Chattanooga Railroad, from Stevenson to Chattanooga, this fact to be ascertained by report of the Commissioner of Roads, and confirmed by the Governor; and the balance of the bonds to be issued, shall not be issued to a greater amount than the amount of work actually done by said Company, at the time of application, according to the true intent and meaning of the foregoing provisions.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 151.

AN ACT to defray the expenses of the General Assembly of the State of Tennessee, with the Report of the Committee on Finance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to each member of the Senate and House of Representatives, for the sum stated to be due to each in the annexed Report of the Committee on Finance.

SEC. 2. *Be it enacted*, That the Comptroller issue his warrant to the officers of the Senate and House of Representatives, viz :

To Charles Stone, for one thousand and fourteen dollars, for one hundred and sixty-nine days service as Principal Clerk of the Senate.

To Joseph W. Roberts, two hundred and thirty-two dollars, for seventy-two days service as Assistant Clerk of the Senate.

To Thomas F. Marr, five hundred and seventy dollars, for ninety-five days service as Assistant Clerk of the Senate.

To Rufus. K. Marsh, for six hundred and seventy-six dollars, for one hundred and sixty-nine days service as Doorkeeper of the Senate.

To James K. P. Gammon, six hundred and seventy-six dollars, for one hundred and sixty-nine days service as Messenger of the Senate.

To R. W. Haywood, nine hundred and ninety-six dollars, for one hundred and sixty-six days service as Principal Clerk of the House of Representatives.

To S. M. Ewing, one thousand and fourteen dollars, for one hundred and sixty-nine days service as first Assistant Clerk of the House of Representatives.

To J. C. Carlock, one thousand and fourteen dollars, for one hundred and sixty-nine days service as Engrossing Clerk of the House of Representatives.

To R. B. Cheatham, three hundred and thirty-six dollars, for fifty-six days service as Assistant Clerk of the House of Representatives.

To H. L. Claiborne, seven hundred and ninety-eight dollars, for one hundred and thirty-three days service as Clerk of the Committee on the Revised Code.

To M. W. Nelson, six hundred and seventy-six dollars, for one hundred and sixty-nine days service as Principal Doorkeeper of the House of Representatives.

To Abram Fine, six hundred and seventy-six dollars, for one hundred and sixty-nine days service as Assistant Door-keeper of the House of Representatives.

SEC. 3. *Be it enacted*, That the Comptroller of the Treasury issue his warrant to the following persons, for the amount annexed to each of their names for stationery, coal, &c., &c.

W. T. Berry & Co. for articles per voucher No. 1,	\$528	50
A. Morrison & Co. " " " " " 2,	11	10
P. Doyle, " " " " " 3 & 3 ¹ / ₂ ,	348	71
The Nashville Gas Co., " " " " " 4,	324	00
Morgan & Co., " " " " " 5,	11	75
W. A. & J. G. McClelland, " " " " " 6,	13	87
James Kelley, " " " " " 7,	126	20
R. F. Bell, " " " " " 8,	50	00
Mackenzie & Wilson, " " " " " 9,	304	89
James Claiborne, " " " " " 10,	25	60
John York & Co., " " " " " 11,	384	61
R. C. McNairy & Co., " " " " " 12,	196	83
A. H. Hicks, " " " " " 13,	52	35
Macey & Hamilton, " " " " " 14,	68	55
N. B. Baird, " " " " " 15,	75	00
Jo. G. Brown, " " " " " 16,	125	96
Creighton &	3	50
Bang, Walker & Co.,	20	03
G. C. Creighton,	75	00

SEC. 4. *Be it enacted*, That the Comptroller of the Treasury, issue his warrant to John C. Burch, Speaker of the Senate, for three hundred and sixteen dollars for the services of the boy Buck, for attending in the Senate.

SEC. 5. *Be it enacted*, That the Comptroller of the Treasury, issue his warrant to Daniel S. Donelson, Speaker of the House of Representatives, for the sum of four hundred seventy-four dollars, for the services of the boy George, for attending upon the House of Representatives.

SEC. 6. *Be it enacted*, That the Principal Clerk of the Senate, shall remain a sufficient time after the adjournment, to file the papers of the Senate in the office of the Secretary of State, and close his business, for which he shall be allowed his per diem; and that the said Clerk be allowed thirty cents per page for copying the unfinished Journal, and that the Comptroller issue his warrant for the same.

SEC. 7. *Be it enacted*, That J. C. Carlock shall remain a sufficient length of time after the adjournment, to file the papers of the House of Representatives in the office of the Secretary of State, and close his business, for which he

shall be allowed his per diem; and that the said Clerk be allowed thirty cents per page for copying the unfinished Journal, and that the Comptroller issue his warrant for the same.

SEC. 8. *Be it enacted*, That the Comptroller issue his warrant, and pay the several publishers of the city papers, for the papers furnished the General Assembly, and laid upon the table of each member, every day of the session, at the current subscription price of the same: *Provided*, said payment shall be made in accordance with a resolution passed by the present session of the General Assembly, regulating the number of papers each member shall receive at the expense of the State.

SEC. 9. *Be it enacted*, That the Comptroller of the Treasury issue his warrant to G. C. Torbitt & Co., for the sum of three hundred and seventy-five dollars, for the Legislative Union and American, furnished each member of the House of Representatives of the General Assembly, under a resolution passed at the present session.

SEC. 10. *Be it enacted*, That the Secretary of State cause one copy of the Acts and Journals of the present General Assembly, to be bound for each member of both Houses, and the officers of the same, and also for the Clerk of the Committee on the Revised Code, and distributed with the other Acts and Journals.

SEC. 11. *Be it enacted*, That the Comptroller of the Treasury issue his warrant to the Principal Clerk of the Senate, and J. C. Carlock of the House of Representatives, for one hundred dollars for preparing index to Senate Journal, and one hundred dollars for preparing index to House Journal of the present session of the Legislature.

SEC. 12. *Be it enacted*, That the sum of two hundred and fifty dollars per annum be allowed G. C. Torbitt, late Treasurer, for the two years, ending the first of March, 1858, for services as Superintendent of Public Instruction, and for assistance necessarily employed in distributing the school funds to each school district in the State, and that the Comptroller issue his warrant for the same.

SEC. 13. *Be it enacted*, That the Comptroller issue his warrant to Charles Stone, Clerk of the Senate for eighty dollars, paid by him for extra Clerk hire for enrolling.

SEC. 14. *Be it enacted*, That the unappropriated tax, levied in the act for the benefit of the Lunatic Asylum, passed at the present session of the Legislature, be, and is hereby given to the Librarian of the State for the next two years, for the purpose of increasing the collection of books in the State Library.

SEC. 15. *Be it enacted*, That the Comptroller of the

Treasury issue his warrant to Thomas Batte, for twenty-seven dollars and thirty cents.

SEC. 16. *Be it enacted*, That the Comptroller of the Treasury examine the accounts of G. C. Torbitt & Co., and Kinsloe & Rice, for job printing executed for the General Assembly, and pay the same according to the rates specified by law, out of any money in the Treasury not otherwise appropriated.

SEC. 17. *Be it enacted further*, That the members of all future Legislatures shall be entitled to their per diem only for the number of days they may be in attendance in the General Assembly, and a deduction shall be made for every day they may be absent from duty, unless in cases of sickness in themselves or families.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

REPORT OF THE COMMITTEE ON FINANCE,

Showing the mileage and per diem allowance of the members of the Senate and House of Representatives, at the regular session of the thirty-second General Assembly, and the aggregate amount of each.

SENATORS NAMES.	Number of days.	Per diem allowed.	Miles traveled	Amount of mileage.	Total amount.
F. H. Bratcher,	169	\$676	400	\$64 00	\$740 00
Thomas J. Brown,	141	564	170	27 20	591
Lloyd Bullen,	169	676	563	90 08	766 08
J. C. Burch, <i>Speaker</i> ,	157	942	300	48 00	990 00
W. P. Davis,	161	644	120	19 20	663 20
H. Denton,	157	628	180	28 80	656 80
A. F. Goff,	157	628			628 00
J. D. Goodner,	157	628	100	16 00	644 00
J. D. Goodpasture,	157	628	200	32 00	660 00
J. E. S. Harris,	169	676	720	115 20	791 20
J. B. Heiskell,	157	628	532	85 12	713 12
B. J. Hill,	157	628	150	24 00	652 00
Joel J. Jones,	169	676	160	25 60	701 60
Thomas Menees,	157	628	56	8 96	636 96
W. S. Munday,	157	628	52	8 32	636 32
W. L. McConnico,	169	676	36	5 76	681 76
A. G. McDougal,	169	676	244	39 04	715 04
A. R. Reid,	169	676	325	52 00	728 00
J. J. Roach,	169	676	242	38 72	714 72
S. L. Ross,	169	676	286	45 76	721 76
W. E. Travis,	169	676	200	32 00	708 00
J. K. Walker,	157	628	480	76 80	704 80
H. J. Welcker,	169	676	326	52 16	728 16
W. C. Whitthorne,	157	628	84	13 44	641 44
J. J. Wright,	169	676	342	54 72	730 72
Totals	4,057	16,542	6,268	1,002 88	17,544 88

HOUSE OF REPRESENTATIVES.

REPRESENTATIVES NAMES.	Number of days.	Per diem allowed,	Miles traveled,	Amount of mileage.	Total Amount.
J B Algee,	169	\$676	212	\$33 92	\$709 92
C D Anderson,	169	676	436	69 76	745 76
H R Bate,	169	676	400	64 00	740 00
W M Bayless,	169	676	800	128 00	804 00
C W Beale,	157	628	22	3 52	631 62
L M Bentley,	169	676	150	24 00	700 00
S T Bicknell,	157	628	400	64 00	692 00
W A L Blackburn,	169	676	490	78 40	754 40
H S Bradford,	169	676	360	57 60	733 60
William Brazelton, Jr.	157	628	450	72 00	700 00
S H Benton,	169	676	56	8 96	684 96
Micajah Bullock,	169	676	300	48 00	724 00
William P Caldwell,	157	628	260	41 60	669 60
R Cantrell,	60	240	134	21 44	261 44
James T Carter,	169	676	836	133 76	809 76
James M Carter,	169	676	250	40 00	716 00
Henry Cooper,	169	676	120	19 20	695 20
James R Copeland,	157	628	216	34 56	662 56
James M Davidson,	157	628	180	28 80	656 80
M D Davie,	157	628	100	16 00	644 00
J H Dobson,	157	628	330	52 80	680 80
A J Dodson,	169	676	320	51 20	727 20
William C Dunlap,	169	676	480	76 80	752 80
J W Estes,	169	676	300	48 00	724 00
J L Ewing,	157	628			628 00
Z W Frazer,	169	676	50	8 00	684 00
James Fulton,	157	628	180	28 80	656 80
A L Gammon,	169	676	740	118 40	794 40
Ed J Golladay,	169	676	60	9 60	685 60
E E Griffith,	157	628	350	56 00	684 00
Jacob Hamilton,	169	676	760	121 60	797 60
E E Harney,	169	676	170	27 20	703 20
B E Holmes,	167	668	308	49 28	717 28
T B Ivie,	169	676	100	16 00	692 00
D R Johnson,	157	628	565	90 40	718 40
W P Kendrick,	169	676	186	29 76	705 76
John L Keeney,	157	628	400	64 00	692 00
E W M King,	169	676	480	76 80	752 80
J A Lackey,	169	676	400	64 00	740 00
J J Lamb,	157	628	220	35 20	663 20
R P Loyd,	157	628	220	35 20	663 20
T B Low,	169	676	376	60 16	736 16

Henry Maney,	169	\$676			\$676 00
William Maris,	169	676	400	\$64 00	740 00
J E Mickley,	169	676	136	21 76	679 76
T H Newburn,	169	676	300	48 00	724 00
Taze W Newman,	169	676	170	27 20	703 20
W H Polk,	157	628	84	13 44	641 44
J H Randolph,	157	628	500	80 00	708 00
R S Roulston,	157	628	210	33 60	661 60
William Renshaw,	169	676	180	28 80	704 80
John W Richardson,	157	628	46	7 36	635 36
R B Roberts,	157	628	200	32 00	660 00
J G Rose,	169	676	555	88 80	764 80
George W Rowles,	157	628	300	48 00	676 00
H J St Johns,	169	676	100	16 00	692 00
R C Saunders,	169	676	106	16 96	692 96
A M Savage,	80	320	134	21 44	341 44
F F V Schmittou,	169	676	100	16 00	692 00
D C Senter,	157	628	472	75 52	703 52
A G Shrewsbury,	169	676	250	40 00	716 00
S M Smartt,	157	628	150	24 00	652 00
S S Stanton,	169	676	150	24 00	700 00
B L Stovall,	169	676	300	48 00	724 00
T B Summers,	169	676	180	28 80	704 80
F C Taylor,	169	676	260	41 60	717 60
W V Thompson,	157	628	84	13 44	641 44
S T Turner,	169	676	350	56 00	732 00
J J Turner,	157	628	52	8 32	636 32
J J Williams,	169	676	110	17 60	693 60
E A Wilson,	159	636	80	12 80	648 80
John W White,	157	628	300	48 00	676 00
Jesse Wood,	169	676	240	38 40	714 40
Moses White,	157	628	400	64 00	692 00
Michael Vaughn,	157	628			628 00
D. S. Donelson, <i>Speaker</i> ,	157	942	32	5 12	947 12
Totals.	12,286	49,458	20,098	3,215 68	52,673 68

RECAPITULATION.

Senators.	4,057	16,542	6,268	1,002 88	17,544 88
Representatives.	12,286	49,458	20,098	3,215 68	52,673 68
Totals	16,343	66,000	26,366	4,218 56	70,218 56

CHAPTER 152.

AN ACT to amend the charter of the Columbia Central Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Columbia Central Turnpike Company, be, and they are hereby authorized to remove their toll-gate, No. 1, located near Columbia, to any distance within one-half mile west of its present location; and said location shall not in any manner affect the right of said Company to receive and demand toll at the second toll-gate from Columbia.

SEC. 2. *Be it further enacted*, That the Owensville, Elizabethtown, Doe River Cave and Iron Mountain Turnpike Company, have the further time of five years to complete their road.

SEC. 3. *Be it further enacted*, That the Little Doe and Roane's Creek Turnpike Company, have the further time of five years to complete their road.

SEC. 4. *Be it further enacted*, That the Watanga Bridge Company, and the Watanga and Doe River Bridge Company, have the further time of five years to comply with the provisions of their charter.

SEC. 5. *Be it further enacted*, That Buffalo creek, in the county of Smith, be, and it is hereby declared navigable from the mouth of said creek, up to Nancy Thomas' spring, at the fork of said creek, a distance of about one-half of a mile.

SEC. 6. *Be it further enacted*, That any obstructions now in existence, to the navigation of said creek, up to the point above designated, may be removed, and that any person hereafter obstructing the navigation thereof, up to the above mentioned point, shall be guilty of a misdemeanor, and upon conviction thereof, may be fined and imprisoned, as in other cases of misdemeanor.

SEC. 7. *Be it further enacted*, That G. W. Gibson, J. A. Bangh, B. G. White, Lewis Garner and Thos. Jameson, of Rutherford county, be, and they are hereby appointed Commissioners, to open books and receive subscriptions to construct a second class Turnpike road, from Christiana to Hoover's Gap, and who shall, together with those who may become associated with them, as stockholders in said road, be known and designated by the name and style of Christiana and Hoover's Gap Turnpike Company, and shall possess all the immunities and privileges, and be subject to

Toll-gates.

all the liabilities and restrictions, as are enjoyed by the Shelbyville and Fayetteville Turnpike Company, in an act to amend the several acts chartering the Shelbyville and Fayetteville Turnpike Company, and compiling the same into one act, chapter CCLIX, passed 31st January, 1854, so far as the same may not be inconsistent with the provisions of this act. The above Company shall commence the construction of the road at Christiana, and may erect two toll-gates on the same, when it is complete, at such points as they may direct.

Beach Grove and Bellbuckle Turnpike Company.

SEC. 8. *Be it further enacted*, That E. A. Mosley, R. S. Thomas, J. J. Shriver, A. D. Fugitt, W. J. Peacock, R. D. Rankin, Smith Boudin, J. N. Ricks, D. J. Haile, J. J. Suggs, of the county of Bedford, be, and they are hereby appointed Commissioners, to open books and receive subscriptions to construct a Turnpike road from the Wartrace and Beach Grove Turnpike, by the way of Bellbuckle, on the Nashville and Chattanooga Railroad, to the Nashville, Murfreesboro' and Shelbyville Turnpike. Said Commissioners may begin and terminate said road, when they may deem necessary for the best interests of the stockholders; (*Provided*, said road shall pass by the way of Bellbuckle;) who shall, together with those with whom they may become associated as stockholders in said road, be known by the name of Beach Grove and Bellbuckle Turnpike Company, and shall possess all the immunities and privileges, and be subject to all the liabilities and restrictions, as are enjoyed by the Shelbyville and Fayetteville Turnpike Company, in an act to amend the several acts chartering the Shelbyville and Fayetteville Turnpike Company, and compiling the same into one act, chapter CCLIX, passed 31st January, 1854, so far as the same may not be inconsistent with the provisions of this act. Said Company may erect one gate when the road shall be completed from Bellbuckle to either road, and an additional gate when said road is completed.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 19, 1858.

CHAPTER 153.

AN ACT to authorize the Sheriffs of Cumberland, Cocke, Hamilton and Madison counties to appoint an additional deputy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Sheriff of Cumberland county, be, and he is hereby authorized to appoint an additional deputy.

SEC. 2. That nothing in the Code shall be so construed as to deprive the Sheriffs of the different counties, in this State, from appointing the number of deputies that they are now authorized by law to appoint. Sheriffs and Deputies.

SEC. 3. *Be it enacted,* That the Sheriff of Cocke county is hereby authorized to appoint one additional deputy, in addition to the number of deputies now allowed by law.

SEC. 4. *Be it enacted,* That the Sheriff of Hamilton county is hereby authorized to appoint one deputy in addition to the number of deputies now allowed him by law.

SEC. 5. That the Sheriff of Madison county is hereby authorized to appoint an additional deputy for said county.

SEC. 6. That this act take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 154.

AN ACT to incorporate the Fork Creek Lead and Silver Mining Company, of Tennessee, and for other purposes.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That George C. Montgomery, Edward Black, Pearl Gregory, M. D., Charles Stay and Andrew Cochran, and their associates, successors, and assigns, be, and they are hereby created a body politic and corporate, by the name, style and title of Fork Creek Lead and Silver Mining Company of Tennessee, in Monroe county, and by that name shall have succession for ninety-nine years, and shall be competent to sue and be sued in

any court of equity or law whatever, with all the powers, privileges and immunities contained in the act of Assembly of this State, entitled, An act to incorporate the Dickinson Marble and Zinc Mining and Manufacturing Company, passed the 21st day of February, Anno Domini, one thousand eight hundred and fifty-six, chapter 125: *Provided*, that nothing in this act shall be so construed, as to give the said Company any banking privileges.

SEC. 2. *Be it further enacted*, That Samuel Monrow, John Williams and James H. Armstrong, of the county of Knox, be, and they are hereby incorporated a body politic, by the name and style of the Rhodamelia Marble Company, for the purpose of quarrying and working marble, and they shall have all the rights and privileges, and be subject to all the liabilities and restrictions of said corporations.

SEC. 3. *Be it further enacted*, That A. L. Maxwell, Jr., L. C. Shepherd, William P. Barker, A. A. Barnes and Robert Craighead, be, and they are hereby appointed Commissioners, for the purpose of opening books at such time and place, in the city of Knoxville, as they, or a majority of them, may direct, for the purpose of receiving subscriptions to the capital stock of the East Tennessee Foundry and Machine Company.

E. T. Foundry
and Machine Co.

SEC. 4. *Be it further enacted*, That upon subscription being made to the amount of twenty-five thousand dollars, (\$25,000,) the subscribers may organize themselves, by the election of such officers as they may see proper to select, into a Company, which shall be known by the name and style of the East Tennessee Foundry and Machine Company, and as such shall have succession for ninety-nine years, may have a common seal, may sue and be sued, and have all other powers incident to a body corporate and politic, that are necessary to enable said Company to embark in and prosecute the manufacture, at the city of Knoxville, of agricultural implements, stoves, and all such other fabrics, either of wood or iron, that said Company may see proper to manufacture.

SEC. 5. *Be it further enacted*, That said Company may from time to time, increase its capital stock to such amounts as it may desire, but in no case to exceed five hundred thousand dollars, (\$500,000.)

SEC. 6. *Be it further enacted*, That said Company shall have such number of Directors, officers and agents, as they may see proper, and may adopt such rules and regulations for their government as they desire: *Provided*, they are not inconsistent with the Constitution and laws of this State; and said Company may commence business

upon any amount of capital short of the maximum of their capital stock, and may divide their capital stock into such shares as they may adopt.

SEC. 7. *Be it further enacted*, That the stockholders in said Company shall be held individually liable for the payment of all debts contracted by said Company, for grounds and improvements, and machinery purchased.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 155.

AN ACT to authorize Robert Allen, of Greene county, to open a Turnpike road; to amend the charter of the Owen and Winstead Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Allen is hereby authorized to open and cut out a Turnpike road, commencing at the foot of Point Mountain, at or near the house of Jacob Crum, in Greene county, running across the mountain so as to intersect the Turnpike road leading by the Warm Springs, in North Carolina, as far as the line of the State of Tennessee; which road, where the situation of the country will admit, shall be sixteen feet wide, clear of all obstructions; and where it has to be causewayed, it shall be at least ten feet wide, clear of all obstructions; and if there should be any creek or creeks, which, from their nature shall require it, there shall be good and sufficient bridges built across the same.

SEC. 2. *Be it further enacted*, That said road shall always be kept in good repair, and if it should be permitted to remain out of repair for the period of thirty days at any one time after said road is opened and established by the Commissioners hereafter to be established by this act, said Commissioners shall make report thereof to the County Court of Greene county; and when said Court shall receive said report, and order it to be recorded, and notice thereof given to the proprietor of said road, if said road is not put in good repair within thirty days thereafter, it shall be the duty of said Commissioners to open said Turnpike gate, and keep the same open until said road shall be adjudged

by said Commissioners to be in proper repair. During the time at which said road may be adjudged to be out of repair by said Commissioners, it shall not be lawful for the proprietor thereof to exact from any person or persons, passing along said road, any toll whatever.

SEC. 3. *Be it further enacted*, That David Derault, Daniel Kennedy and William M. Crawford, are hereby appointed Commissioners, whose duty it shall be to examine said road when it is opened and cut out, and if in their opinion the road is in such repair as contemplated in this act, it shall be their duty to grant a license under their hands and seals, to said Robert Allen, to erect thereon a toll-gate, who shall be authorized by this act to demand and receive the following rates of toll, to wit: For each wagon and team of four or more horses, mules or oxen, one dollar; for each one horse carriage or vehicle of any kind, fifty cents; for each two horse wagon, fifty cents; for each pleasure carriage with two or more horses, seventy-five cents; for each gig, sulky or buggy, with one horse, fifty cents; for each person on horseback, ten cents; for each pack horse or mule, five cents; for loose horses or mules, per head, five cents; for each head of cattle, five cents; for hogs and sheep, per head, one cent.

SEC. 4. *Be it further enacted*, That the aforesaid Commissioners shall be and are hereby appointed Commissioners, whose duty it shall be at any time when called upon by the proprietor, to view said road; but before entering upon the duties of their appointment, they shall take the following oath, before some Justice of the Peace, in Greene county, viz: I do solemnly swear that I will perform the duties enjoined upon me by this act, according to the best of my knowledge, skill and ability, so help me God. And said Commissioners shall be entitled to receive one dollar per day, each, for every day they may necessarily attend in viewing said road, to be paid by the proprietor thereof: it shall be the duty of said Commissioners to view said road at least twice in each year, and oftener if desired by the proprietor of the same.

SEC. 5. *Be it further enacted*, That if any part of said road shall be out of repair at any time after it shall have been received by said Commissioners, and by reason of which any person or persons shall sustain any damage, either in person or property, he, she or they, may have and sustain an action on the case, against said proprietor, before any tribunal having cognizance thereof.

SEC. 6. *Be it further enacted*, That if any person or persons shall arbitrarily pass within said toll-gate, or within one mile thereof, for the purpose of evading the toll,

Rates of toll.

Oath of Commissioners.

such person or persons shall forfeit and pay for every such offence, to said proprietor, the sum of twenty dollars, to be recovered before any tribunal having cognizance thereof.

SEC. 7. *Be it further enacted*, That if either or all the above named Commissioners should fail or refuse to perform the duties assigned them by this act, it shall be the duty of the aforesaid proprietor to make said fact known to the County Court of Greene county, at any session thereof, and it shall be the duty of said Court, whenever such fact is made known, to appoint one or more (as the case may be) person or persons, to act in the place and perform the duties of said Commissioner or Commissioners, so failing or refusing to act, and the County Court shall, at any time, fill all vacancies that may happen in said Board of Commissioners.

SEC. 8. *Be it further enacted*, That nothing in this act contained, shall be so construed as to impair any chartered rights that may be vested in any other Turnpike Company in this State.

SEC. 9. *Be it further enacted*, That the charter of the Owen and Winstead Turnpike Company, be so amended as to allow said Company to open and keep in repair, a first class graded road, from the terminus of said Turnpike road to the Franklin and Lebanon road, near Beech Grove Academy.

SEC. 10. *Be it further enacted*, That the President and Directors of the Nashville and Hillsboro' Turnpike road, be, and they are hereby authorized to re-locate their toll-gates on said road, and place them at any point they may deem suitable: *Provided*, that nothing herein contained shall be so construed as to authorize said Company to place their gates less than five miles apart, according to their charter.

SEC. 11. *Be it further enacted*, That the eighth section, chapter 204, of "An act to amend an act passed February 25th, 1852, incorporating the Murfreesboro' and Liberty Turnpike Company, and for other purposes," be so amended as to authorize the Murfreesboro' and Bradyville Turnpike Company to erect a toll-gate, and receive toll for every five miles of road, as soon as they may be constructed.

Murfreesboro' &
Bradyville Turn-
pike.

SEC. 12. *Be it further enacted*, That the Franklin and Lewisburg Turnpike Company are authorized to put up a gate at the most suitable point, not nearer to the court house in the town of Franklin, than one mile.

SEC. 13. *Be it further enacted*, That "An act to incorporate a Medical Society in the State of Tennessee," passed January 9th, 1830, be, and the same is hereby so amended, that the provisions of said act shall be renewed

Medical Society.

and extended for the term of fifty years, from the first day of January, 1860; that all the powers, privileges and immunities conferred upon the corporators in said act, be extended to the renewed act, and shall be subject to all the pains and penalties therein contained.

Home Insurance
and Trust Com-
pany, Memphis.

SEC. 14. *Be it further enacted*, That the name of the Home Insurance Company of Memphis, be changed to that of the Home Insurance and Trust Company; and said Company may organize, with all the forms, officers, terms, powers, rights, reservations, restrictions and liabilities, given to and imposed upon the Memphis Life and General Insurance Company: *Provided*, nothing herein contained shall in any wise be so construed as to release the said Company from any existing liability.

SEC. 15. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 156.

AN ACT further prescribing the duties of the Comptroller.

Additional oath
of Comptroller &
Clerks.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the oath now taken by the Comptroller, he shall, before entering upon the duties of his office, swear upon the Holy Evangelist of Almighty God, that he will, in all cases where he issues a warrant for the payment of coupons, cancel the said coupons, by marking them with a pen, or with a cancelling hammer, and as soon thereafter as convenient, paste them in a book kept for that purpose.

SEC. 2. It shall be the duty of all clerks or other agents employed by the Comptroller, to take the oath prescribed in the first section of this act.

SEC. 3. This act shall take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 157.

AN ACT for the benefit of the Mechanics' Institute and Library Association of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section ten, of the act of 1855-6, chap. 95, making an appropriation to each of these Grand Divisions of the State, for the purpose of locating Division Fairs, under which said Fairs have been located in East and West Tennessee, be so amended, that the amount appropriated for Middle Tennessee, be divested for the benefit of the Mechanics of the State, for the purpose of aiding in the erection of a Hall in the city of Nashville, in which to hold their State Fairs, under the direction of the President and Board of Directors of the Mechanics' Institute and Library Association of the State of Tennessee.

SEC. 2. *Be it further enacted*, That whenever it shall be satisfactorily shown to the Comptroller, that thirty thousand dollars have been subscribed, *bona fide*, by the citizens of the State, for the erection of said Hall, he shall pay over the said amount, appropriated to locate the Middle Division Fair, to the Board of Directors of said Mechanics' Institute and Library Association of the State, taking the bond of said Board of Directors, in double the amount, that the said money is properly appropriated as hereinbefore provided.

SEC. 3. *Be it further enacted*, That the Governor is hereby authorized to appoint Directors in the management of this fund, in the proportion of the amount hereby appropriated to the whole cost of the Hall to be erected: *Provided*, that said transfer shall not take place without the consent of the delegate members to the Bureau of Middle Tennessee.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 158.

AN ACT to authorize the Register of the Land Office at Nashville, to perform certain duties of the Secretary of State, and for other purposes.

In Secretary's
absence, Register
to discharge cer-
tain duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in the absence of the Secretary of State, the Register of the Land Office in Nashville, be, and he is hereby authorized to do and perform all acts necessary to enable landholders to obtain titles and copies of the record of the same; and that the acts of said Register shall be as good and valid as if done by the Secretary of State. And said Register, for such services, shall receive the fees allowed the Secretary therefor: *Provided*, that nothing in this act shall be so construed, as to include the recording of grants as issued by the several Land Offices of the State, together with the fees thereon: *And provided also*, that this act does not confer the power of using the great seal of the State in any case, upon said Register, but the acts of the Register, as herein directed, shall be as valid in law, as if the same were done by the Secretary of State under the great seal of the State.

Secretary of
State.

SEC. 2. The Secretary of State is authorized, and he is hereby directed to countersign, when presented to him for that purpose, any grants that may have been issued by the Registers of the Land Office of the State, and signed by William Carroll, late Governor of Tennessee, and which were not countersigned by the then Secretary of State, and to affix to his signature the proper date, and the same shall be as good and valid in law or equity as if signed at the proper time.

SEC. 3. This act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 159.

AN ACT to establish the Chattanooga Normal Academy of Music; to incorporate the Nashville German Harmonia Dramatic Society; the Bascomb Rhetorical Society of Andrew College, and for the benefit of the Trustees of Lawrence Academy, in the town of Woodbury, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Dr. Neil Smith, J. J. Bryan, George E. Freeman, J. N. Bradshaw, H. P. Phillips, J. Saunders, E. T. Sevier, H. W. Messingale, Robert Cravens, David Sulliers and Charles Hess, and their associates and successors, be, and the same are hereby constituted a body politic and corporate, by the name and style of the Board of Trustees of the Chattanooga Normal Academy of Music, for the purpose of promoting the same.

SEC. 2. *Be it further enacted*, That the said Board of Trustees shall have the right, and be capable in law to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; have a common seal, and may change and alter the same at pleasure. The said Board of Trustees shall be able and capable in law, to hold personal property by purchase, gift, grant or devise, or in any other medium, and to hold real estate to the extent that may be required for the use of the same.

SEC. 3. *Be it further enacted*, That the Board of Trustees shall have power to adopt such Constitution and by-laws as they may think proper and necessary for the government thereof, and in order to effect the purposes and object for which it is founded, provided the same be not inconsistent with the Constitution and laws of the United States, and of the State of Tennessee.

SEC. 4. *Be it enacted*, That J. R. Buddeke, C. C. Giers, A. Jonard, H. Mitz and F. W. Colbert, are hereby constituted a body corporate, under the name and style of the Harmonia Dramatic Society, with power to continue its organization, sue and be sued, plead and be impleaded, to have and use a common seal, the same to alter at pleasure, and to make all by-laws, rules and regulations for the government of said Society, as shall not be repugnant to or in violation of any established laws.

SEC. 5. The said Dramatic Society shall have a President, Vice-President, Secretary, Treasurer, Stage Manager and Property Man, who shall be elected for the term of six months, and shall not be entitled to any compensation for their services.

SEC. 6. The object of this Society shall be social and

charitable; it may have any number of members, any person of good moral character, who speaks the German language, can become a member, and the Society may continue so long as there is five members.

German Society.

SEC. 7. Should this Society be dissolved, and all liabilities be paid, the remaining property or assets shall be handed over to appointed persons for safe keeping the time of six months. Should another German Society organize within that time, having the same objects, then that Society, so organized, shall be entitled to all the assets of this; if not, said assets shall be disposed of, and the proceeds be applied to charitable purposes.

SEC. 8. *Be it further enacted*, That the individual property of each and every member of this Society be liable for the debts of the same.

Bascomb Rhetorical Society.

SEC. 9. *Be it further enacted by the authority aforesaid*, That J. L. Bell, B. T. Davis, C. P. Crawford, J. S. McCorkle and James Scott, and such other persons as are associated with them and their successors, are hereby constituted a body politic and corporate, under the name and style of the Bascomb Rhetorical Society of Andrew College, at Trenton, and shall have perpetual succession; may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State or elsewhere; and shall be capable in law or otherwise, to purchase, receive and hold to themselves and their successors, any books, maps, goods, chattels, lands and tenements, which may be given, granted, purchased or devised to them, for the use and benefit of said Society, and may appropriate, use and dispose of the same in such manner as to them may seem proper for the good of said Society.

SEC. 10. *Be it further enacted*, That said corporation shall have power to elect from their body, all necessary officers, elect to membership, and confer honorary membership, on all such persons as they may deem calculated to promote the interests of said Society.

SEC. 11. *Be it further enacted*, That said corporation shall have power to make all such rules, regulations and by-laws for their government as they may deem proper, provided the same be not inconsistent with the Constitution and laws of Tennessee.

Lawrence Academy.

SEC. 12. *Be it enacted*, That the Trustees of Lawrence Academy, of the town of Woodbury, be, and they are hereby authorized to appropriate the money belonging, or that may hereafter belong, to said Lawrence Academy, (which has been destroyed by fire,) the school taught in the school house now owned by W. W. McKnight, according

to the existing laws applicable to said Lawrence Academy.

SEC. 13. *Be it further enacted*, That neither W. W. McKnight, the Trustees for Lawrence Academy, nor any person, shall be required to refund or pay any money which has heretofore been appropriated by said Trustees to said school, taught in said school house, owned by W. W. McKnight as aforesaid.

SEC. 14. *Be it enacted*, That this act take effect from and after its passage.

SEC. 15. *Be it further enacted*, That James Williams, David Sharp, James Cooper, Jonathan S. Linsley, William Carey, John Phillips and Alois Kincaid, be, and they are hereby appointed a permanent Board of Trustees for Franklin Academy, at Jacksboro', in the county of Campbell, and the said Trustees, and their successors, shall have and enjoy all the rights, powers and privileges heretofore conferred on trustees of similar academies, shall have succession perpetual, authority to fill by ballot, all vacancies occurring by death, removal, resignation or otherwise in said Board of Trustees; they shall also have the power to make by-laws, rules and regulations for their own government and the proper government of said Academy; such laws, &c., not to conflict with the laws governing similar institutions, and that this section take effect from and after its passage.

SEC. 16. *Be it enacted*, That William E. Camp, William Anderson, Joseph Gist, James H. Doyle, G. W. Anderson, W. Gooch Smith and J. A. Hill, be, and they are hereby constituted a body corporate and politic, under the name and style of Cave Seminary, by which name and style they may have succession, sue and be sued, plead and be impleaded, have and use a common seal, and change the same at will, with power and authority to purchase, receive in donation, enjoy and possess estate, real, personal and mixed; and to lease, rent, sell, alienate and convey, or otherwise dispose of the same, with all rights, powers and privileges necessary and proper for them as an incorporated body. Said Seminary shall be located in the county of White, for the instruction of males and females, in the various branches of English and Modern general literature, the Classics and Mathematics.

SEC. 17. *Be it enacted*, That any property whatever, acquired by said corporation of Cave Seminary, shall be exclusively devoted to the purposes of education and the diffusion of knowledge among men, and to none other.

SEC. 18. *Be it enacted*, The persons above named and their successors, be, and they are hereby constituted, *ex-officio*, a Board of Trustees for said Cave Seminary, and

shall have power to increase their numbers, and to fill any vacancies in said body, at their discretion. A majority of said Board shall have power to appoint Professors and Teachers, elect a President, Secretary and Treasurer, prescribe the course of instruction, the studies to be pursued, and to make such by-laws for the government of said Seminary, as they may deem proper, not inconsistent with the laws of this State or of the United States.

Degrees.

SEC. 19. *Be it enacted*, That the Trustees, and such Faculty as they may establish, shall have full power and authority to confer such degrees and literary honors, as are usually conferred in Colleges and Literary Institutions, and to grant diplomas under the seal of the Institution, which shall be signed by the President and Secretary of the Board.

SEC. 20. *Be it enacted*, That said Cave Seminary shall never be made a sectarian institution, and no religious test shall be required of its officers as members.

Memphis charter.

Streets & alleys.
Elections.

SEC. 21. *Be it further enacted*, That the thirteenth section of an act, passed January 25, 1858, providing for the opening of the polls in each Ward in the city of Memphis, be so amended, as that in elections for Constables and Justices of the Peace in said city, the polls shall be opened at three places in the fifth Civil District, and three places in the fourteenth Civil District of Shelby county, but in all other elections in the county of Shelby, the polls shall be opened in each Ward of said city of Memphis, as was intended to be provided in the thirteenth section of the act, passed January 25, 1858. And that when any street or alley has been laid out in the city of Memphis, which in the opinion of the Mayor and Aldermen of the city of Memphis, not necessary for the public use, or when it is obvious that the location of the same may be changed or altered without any detriment to the public, it shall be lawful for the Mayor and Aldermen of Memphis to make said change of the location of streets and alleys: *Provided*, the owner or owners of adjoining property assent thereto: *And provided further*, an equal amount of space for streets or alleys be set apart for the use of the public, in lieu of the original street or alley: *And provided*, that said changes and alterations of streets and alleys, when made, shall be accurately described by proper deeds and conveyances by the parties making the same, which shall be duly recorded on the books of the Corporation, and in the Register's office for Shelby county.

SEC. 22. *Be it further enacted*, That an act passed at the present session of the General Assembly of the State

of Tennessee, entitled An act to establish a Mayor's Court at Shelbyville, and for other purposes, be so amended, that it shall go into effect from and after the date of this act: *And also provided*, that the Mayor's Court at Shelbyville shall have no work house, but a jail or calaboose.

Mayor's Court of
Shelbyville.

SEC. 23. *Be it enacted by the General Assembly of the State of Tennessee*, That a school for instruction in the various branches of Science, pertaining to Mercantile and Commercial pursuits, in Mathematics, with Surveying and Civil Engineering, and in Architectural Drawing, is hereby incorporated under the name and style of the Nashville Commercial College, by which name said College shall be able and capable in law, of suing and being sued, of pleading and being impleaded, of taking and holding property, real and personal, for the purposes of its incorporation, and of disposing thereof, and having and using a common seal, and of altering the same at pleasure, and of doing all and singular such matters, acts and things as may tend to the advancement of the above named branches of education.

Nashville Com-
mercial College.

SEC. 24. *Be it enacted*, That said College shall be governed by five Trustees, any three of whom shall be a quorum for the transaction of all business of the corporation. Said Trustees may organize for the transaction of business, in such manner, and by such laws, by-laws as to them may seem proper; they shall continue their succession by appointments of their own, whenever any vacancy may occur in their number. The first five Trustees shall be the following persons: H. G. Scoval, A. B. Shankland, Benj. F. Shields, Hiram K. Walker, Ira P. Jones.

Trustees.

SEC. 25. *Be it enacted*, That the Board of Instructions may, under such regulations as the Trustees shall make, grant such certificates and diplomas, under the corporate seal and signature of the Board of Instruction, as are granted by similar institutions in the United States.

SEC. 26. *Be it enacted*, That an Academy shall be, and is hereby incorporated in the county of Cheatham, by the name of the Cheatham County Academy. That said Academy shall be entitled to its share of the Academy Fund for 1857 and 1858.

Cheatham Coun-
ty Academy.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 160.

AN ACT directory to the County Court of Davidson county.

Davidson County Court.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Davidson county, at its April sessions, in each and every year, is hereby directed, in conjunction with the corporate authorities of the city of Nashville, to make an estimate of the cost of supporting the poor and indigent residing within the limits of said city, and to ascertain, as near as may be, the amount of money necessary to support them.

SEC. 2. When such estimate is made, and amount agreed upon by the parties mentioned in the first section of this act, the said County Court of Davidson county, is hereby directed and required, at its April sessions, in each and every year, to make an appropriation out of the county revenue for the amount so agreed upon, and the Clerk of said Court shall pay over the same to the Treasurer of the city of Nashville, and take his receipt therefor.

SEC. 3. This act shall take effect from its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 161.

AN ACT for the benefit of the Central Southern Railroad, and for other purposes.

Central Southern Railroad.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the Central Southern Railroad Company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of rails, and fully prepared their road in a good and substantial manner, with good materials for putting on the iron rails and equipments from the junction of the said road with the Tennessee and Alabama Railroad, near Columbia to the town of Pulaski, being a distance of thirty-five and a half miles, and the Governor of the State shall be notified of these facts, and the other facts required by

existing laws to be made known to him, and upon report of the Commissioner of Roads, then the Governor shall issue to said Central Southern Railroad Company, coupon bonds of the State of Tennessee, to an amount not exceeding nine thousand dollars per mile for said distance of thirty-five and one half miles, under all the rules, guards, liens and restrictions now required by law.

SEC. 2. *Be it further enacted*, That this act shall not be so construed as to deprive said Company of the loan of the bonds of the State, as now provided for by law for the remaining portion of their road: *And provided further*, that it shall not be so construed, as to grant any further State aid than said Company is now entitled to receive.

State bonds.

SEC. 3. *Be it further enacted*, That of the State aid heretofore granted to the Memphis and Charleston Railroad Company, for the purpose of extending said Railroad from Stevenson to Chattanooga, on the north side of Tennessee river, the sum of ten thousand dollars per mile, be, and the same is hereby transferred and granted to the Nashville and Chattanooga Railroad Company, for the purpose of constructing a branch railroad from Bridgeport, or some suitable point on the Nashville and Chattanooga Railroad, to some point on the line of the extension of said Memphis and Charleston Railroad, the same not to extend beyond the town of Jasper, in Marion county, with the same liens retained to the State as are provided for in said act.

State aid—Nashville and Chattanooga Railroad.

SEC. 4. *Be it further enacted*, That in case the Nashville and Chattanooga Railroad Company, shall fail or refuse to construct said branch road, the same powers and privileges, be, and hereby granted to the Memphis and Charleston Railroad Company, and either of said Companies agreeing to construct said branch road as above provided, is hereby authorized to increase its capital stock to an amount sufficient, with the State aid, to construct said branch road.

Same to Memphis and Charleston Road.

SEC. 5. *Be it further enacted*, That if both of said Railroad Companies shall fail or refuse to agree to construct said branch road within twelve months after the passage of this act, then said State aid, together with the powers and privileges above conferred, be, and the same are hereby transferred and granted to the junction of Jasper and Chattanooga Railroad Company; said branch road in no event to extend beyond said town of Jasper.

Same to Jasper and Chattanooga Road.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1853.

CHAPTER 162.

AN ACT to ascertain the will of the people of Tipton county, as to the removal of their seat of justice, and for other purpose.

Removal of
county seat of
Tipton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That B. Payne, C. Crenshaw, R. W. Stanford, W. H. Hooten, W. J. Wiseman, A. L. McClain and J. Thompson, be, and they are hereby appointed Commissioners, whose duty it shall be, to employ a Surveyor or Surveyors and chain carriers, to ascertain the centre of Tipton county, and when said centre is so ascertained, it shall be the duty of the Commissioners, or a majority of them, to designate said centre, if it is a suitable place, and if not, some other place which is suitable and eligible for a new county site, as near said centre as practicable, and within two miles and a half of said centre, so ascertained as aforesaid. That said point, so designated by said Commissioners, shall be for the seat of justice in said county, of which they shall give due and public notice, and shall inform the Sheriff of said county thereof, whose duty it shall be, after giving thirty days notice, to open and hold an election as hereinafter provided.

SEC. 2. Whenever the Sheriff of said county is informed by a majority of said Commissioners, that they have designated the centre as hereinafter provided, and said place so designated, being put in nomination against Covington, it shall be the duty of said Sheriff, after giving thirty days notice, to open and hold an election at all the voting places in said county, on the 22d day of July, 1858, at which election it shall be the duty of the electors to vote for, and they shall have written or printed upon their tickets, "Centre," or "Covington." After said election, if a majority of all the votes in said election be in favor of the Centre, then it shall be the duty of the Sheriff to certify the result of said election, and transmit the same to the Secretary of State, whose duty it shall be, to report the same to the next General Assembly of the State of Tennessee, and that the next General Assembly may or may not remove the seat of justice of said county, as the Constitution of the State now provides for.

SEC. 3. A majority of said Commissioners shall be competent to carry out the foregoing duties, and it shall be a misdemeanor for the Commissioners or Sheriff to neglect or fail to discharge the duties hereinbefore prescribed, and upon conviction, he or they shall be fined not less than five hundred dollars.

SEC. 4. *Be it further enacted*, That if the suit pending against the county of Sequatchie, shall fail to disorganize said county, then it may be lawful for the qualified voters of said county, who shall meet at the respective voting places in said county, on the — day of —, 1858, and vote as to whether the county site shall be located at William Rankin's, or on the east side of Sequatchie river, at a point to be designated or nominated by the people, at or between William Cooper's old place and William Brown's, and their preference to be determined by ballot as follows, to wit: Those preferring to have the site located at William Rankin's, shall vote a ticket with Rankin written thereon, those preferring to have said site on the east side of the river, shall vote a ticket with the point of location inscribed or written thereon, and the majority of the votes cast, in compliance with the provisions of this act, shall determine the site of the town of Dunlap, the county site of said county. Sequatchie
county site.

SEC. 5. *Be it further enacted*, That should a majority of the votes cast be in favor of Rankin's, that shall be finally determined on as the site of said town of Dunlap at that point; but if a majority be in favor of a point designated by the people, on the east side of said river, then and in that case the town of Dunlap shall be located at the point so designated by the majority of the voters.

SEC. 6. *Be it further enacted*, That the Coroner of Sequatchie county, be, and is hereby directed and empowered, after giving twenty days notice at the respective voting places in said county, to have opened and hold an election in compliance with the provisions of this act.

SEC. 7. This act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 163.

AN ACT to amend the charter and several acts amendatory thereto, passed by the Legislatures of Tennessee and Kentucky, incorporating a Company to construct a Railroad from the city of Louisville to the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several acts of the General Assembly of the States of Tennessee and Kentucky, be, and are hereby amended by the additional sections.

Louisville and
Nashville R. R.
Co.

Bonds of the
same.

SEC. 2. That the Louisville and Nashville Railroad Company is hereby authorized to issue, from time to time, income bonds, pledging the receipts of said road, in amount not to exceed one million five hundred thousand dollars in the aggregate. Said bonds to be made payable at such time and place as the President and Directors of said Company may direct, and bear a rate of interest not exceeding eight per cent. per annum, with interest coupons attached; they shall bear the signature of the President, and be countersigned by the Secretary; the coupons to be signed by the Secretary, the seal of the corporation to be affixed: *Provided, however*, said bonds, nor any mortgage made to secure them, shall be enforced in the State of Tennessee, at a higher rate of interest than six per cent. per annum, unless at the time of enforcement the laws of Tennessee allow a higher rate; then for such rate as allowed by law, but may be enforced in Kentucky. The bonds hereby authorized to contain on their face a pledge of the income of said Company from the main road, after the payment of charges for running and the necessary repairs; they or the proceeds of sales shall be used in the purchase of iron, chairs and spikes, cross ties, the laying of track and equipment for business, and for the purpose of construction as hereinafter prescribed on the main road, and no other. It shall be deemed malfeasance in office in such members of the Board as shall authorize any other use, and any stockholder or bondholder shall have the right to arrest by petition or affidavit, such improper application. The bonds hereby authorized, shall not be held to be cumulative, but as a part of the sum authorized under an act which passed the Legislatures of Tennessee and Kentucky at their sessions of 1855.

SEC. 3. *Be it further enacted*, That the bonds hereby authorized to be issued, shall be made payable to the bearer, and pass by delivery; and to secure the prompt payment of the interest and principal, said Company, by their President, may make and execute a mortgage to two trus-

tees, to be named therein, for the benefit of the holders of said bonds and provide for a succession of Trustees in case of death, removal or refusal to act. It shall to all intents and purposes pass the property recited, and privileges and franchises to the Trustees, for the use of the holders of bonds, herein provided to be issued, and such others as it purports to secure, together with the earnings of said road, after the payment of the expenses of running and repairs. This act shall not be construed to affect, nor shall any mortgage, executed by its provisions, impair or in any way affect, change or weaken the lien of the State of Tennessee on that part lying within that State, created by the statutes of the State on the conferring and accepting State aid by said Company. But it shall be the duty of the President and Trustees to make a faithful application of the earnings of said road to pay the interest as the same falls due on the bonds of the State, received by said company.

SEC. 4. *Be it further enacted*, That it shall be the duty of the President and Directors of said Company, to cause to be set apart and held sacred as a sinking fund, such per cent. of the earnings of said road, after paying charges for running, repairs and incidental expenses in the operations of said road, a per cent. equal to the payment of interest on the bonds, and be sufficient to redeem each class of bonds as they respectively fall due; the setting apart of such fund shall, however, in no event have preference over the rights of the State, as given by former legislation in reference to the income of said road. When any of said bonds shall fall due, said Company may make proclamation through one or more of the newspapers published in the cities of Louisville, Nashville and Bowling Green, of its readiness to pay on a day, and at the place of payment, and if the bonds so advertised and designated, are not presented for payment, the interest shall cease from that time until presented and payment refused.

SEC. 5. *Be it further enacted*, If said Company shall fail to make payment of the interest as the same shall fall due, the holders of said bonds may proceed by petition, filed on affidavit, in the Chancery Court, in the city of Louisville, Nashville or Bowling Green, after notice to the President; and on hearing, the Court shall make such order or decree in the premises as may be deemed necessary and sufficient to enforce and secure the performance of the trust, which order shall be for the benefit of all the bondholders, to whom said Company may be in default. That the holders of bonds due and unpaid, with accumulated interest in the aggregate amount of fifty thousand dollars, shall have the right to file their bill or petition, and ask a

Sinking fund.

Bonds.

Filing bill.

foreclosure and sale of the mortgaged property. Upon the filing of such proceeding, it shall be the duty of the President to cause a perfect list of all bonds secured by said mortgage, and place them on file in said suit; when it shall be the duty of the Court to make publication of the fact of the filing said bill, in papers published in New York, Louisville and Nashville, ninety days by successive weekly insertions, before rendering a decree, and on hearing, such decree shall be rendered, as will be equitable among all the holders of the bonds on sale or purchase, or order of lease, the person or persons, corporation or corporations, that may become the owners or lessees under such decree or order, shall and are hereby declared to be substituted to, and vested with, all the rights, privileges, franchises and immunities of said corporation, in the property sold or leased, as well that part in Tennessee as in Kentucky, but the right in Tennessee shall only attach and be continuous on the payment, at the proper time and place, the interest on the bonds of the State of Tennessee, received by said Company, the sinking fund, and the bonds themselves as they fall due. That the holders of the bonds issued under this or any other act, authorizing the issuance of bonds, shall at their option, have the right, at any time, to convert said bonds into the stock of the Company at dollar for dollar. The company is vested with the power, by the consent of the holders of bonds, to agree on terms by which the stock of the Company may be issued to bond holders in payment thereof. That the issue of the bonds herein authorized, shall be conclusive evidence of the acceptance of the Company of this as an amendment of their charter, and as evidence that all the requirements of the act have been complied with.

Charter.

SEC. 6. *Be it further enacted*, That, whereas, the funds necessary for ironing and equipping the line of the Louisville and Nashville Railroad, in the State of Tennessee, are furnished by the State aid heretofore granted and accepted by said Company: and, whereas, it is but just and right, that the line of the road in Tennessee shall receive its fair proportion of the proceeds of the income bonds raised by virtue of this act; the authority hereby conferred, is subject to this provision, that so much at least of the proceeds of said income bonds shall be applied to the construction of the road bed and cross ties in the State of Tennessee, as will give the line of the road in the State its fair proportion as above, if the same should be needed to prepare such for the iron.

SEC. 7. *Be it further enacted*, That to carry out the preceding section, that the amount so appropriated to the

line of the road in this State, shall be in proportion to the entire amount at any one time raised by said income bonds, as the length of the line of the road in Tennessee is to the length of the entire road. That it shall be deemed malfeasance in office, as provided in section second of this act, in such members of the Board of Directors of the Louisville and Nashville Railroad Company as shall authorize any use of the proceeds of such bonds, inconsistent with the foregoing provisions. Malfeasance.

SEC. 8. *Be it further enacted*, That the time for the construction of the bridge across the Cumberland river, as specified in the act of the General Assembly, passed the 15th December, 1855, be extended to the Louisville and Nashville Railroad Company for twelve months, from and after the passage of this act; and that said Company is hereby vested with the right to contract with the General Government for the transportation of the mails, and is hereby declared capable in law, to receive and hold any grant or appropriation made by Congress as compensation for public service. Bridge.
Mails.

SEC. 9. *Be it further enacted*, That the power to acquire land for railway track, and necessary side tracks, and the requisite quantity for depot, freight and passenger houses, within the corporate limits of the city of Nashville, which by law are conferred on the Nashville and Chattanooga Railroad Company, be, and is hereby vested in the Louisville and Nashville Railroad Company, and the Edgefield and Kentucky Railroad Company, and may be enforced by said Companies, jointly or separately for their joint or several use.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed, as to give banking privileges to the Company of any character whatever, or so as to increase the liability of the State to said Company. That this act take effect from and after its passage.

SEC. 11. *Be it further enacted*, That the same powers and privileges be extended to the Edgefield and Kentucky, and Nashville and Henderson Railroad Companies: *Provided*, the same is accepted by a majority of the Directors of each Company. Edgefield and
Kentucky & N.
& H. R. R. Co.

SEC. 12. *Be it further enacted*, That so soon as the Louisville and Nashville Railroad Company shall have graded their said road from the termination of the first thirty miles from Nashville to the Kentucky line, prepared to receive the iron rails, then the Governor of the State shall issue the bonds of the State to said Company, agreeably to the act of 1852, and acts amendatory thereto. State aid.

SEC. 13. *Be it further enacted*, That the East Tennessee and Virginia Railroad Company, be, and is hereby au- E. T. & V. R.
R. Co.

thorized and empowered to establish an express agency, and shall receive such additional compensation as is usually charged for transportation of freight by other express companies.

Sheriffs allowed
to levy, &c.

SEC. 14. *Be it further enacted*, That it shall be lawful for any Sheriff, Coroner or Constable to levy upon and sell, as other personal property, any share or shares in any railroad or turnpike company in this State, belonging to any execution debtor or corporation, against whom they hold an execution.

SEC. 15. *Be it further enacted*, That the officer making the levy, shall, at the time of such levy, or as soon thereafter as practicable, notify the Secretary or other officer entrusted with the books of the Turnpike or Railroad Company of the fact of such levy; the notice to be given personally or in writing, left at the office of the Secretary, or other officer aforesaid.

SEC. 16. *Be it further enacted*, That upon the sale of such turnpike or railroad stocks in shares, by execution, the officer, on receiving from the purchaser the amount of his bid, shall execute and deliver to him a certificate of the shares sold, and his return of the sale, on the back of the execution, shall be notice to all the world of the fact of sale; and on presenting to the proper officer of the Company, said certificate, said officer shall transfer said shares on the proper books to the purchaser or his assigns.

Tullahoma & S.
R. R. Co.

SEC. 17. *Be it further enacted*, That the Tullahoma and Southern Railroad Company have the further time of two years to commence and finish their Railroad: *Provided*, no State aid be granted to said road.

Further incor-
porated
given by
S. R. R.
K. R. R.

SEC. 18. *Be it further enacted*, That the further time of five years is hereby extended to the Nashville and Knoxville Railroad Company to bring themselves within the provisions of an act, entitled An act to incorporate the Nashville and Knoxville railroad company, passed December 22, 1853: *Provided*, that no State aid is granted to this road.

SEC. 19. That this act take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 164.

AN ACT for the benefit of William B. Bate.

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby directed to draw a draft or warrant in favor of William B. Bate, for the sum of one hundred and twenty-five dollars as compensation for his services, as an attorney, in investigating the charter of certain Companies claiming and exercising banking privileges, under an act passed on the 2d March, 1854, entitled "An act to incorporate the Ætna Mining and Manufacturing Company, and for other purposes;" said Bate being employed by virtue of a resolution of the late General Assembly, by the Governor of the State.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 165.

AN ACT incorporating the Memphis Christian Advocate and Book Depository Association, and Inebriate Reform Society, of Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Q. C. Atkinson, J. D. Williams, A. J. Montgomery, William R. Harris, B. Rozell, A. Wright, Wm. K. Poston, S. W. Jefferson, M. C. Cochran, D. S. Green, J. F. Hamlin, Moses Wicks, James McConnell, D. Pearson, S. Roseborough, L. P. Williamson, Thos. Taylor, Samuel Lancaster, T. W. Gammell, William McMahan, Benjamin Cash, B. R. Ellis, J. M. Knott, P. Tuggle, J. H. Collins, Robert Alexander, W. T. Bonner, P. P. Wyck, Willis Summerville, Samuel Watson, and such other persons as may hereafter subscribe for, and pay in, one share of stock, be, and they are a body politic and corporate, to be styled and designated, The Memphis

Memphis book
concern.

Christian Advocate and Book Depository Association, and by this name may sue and be sued, plead and be impleaded, have a common seal, which may be altered or renewed at pleasure, may make all needful rules and regulations for the good government of the said Association, and establish such by-laws as may secure the same, not inconsistent with the Constitution of the United States or the State of Tennessee, or the laws of the same.

Capital.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be three thousand dollars, but may be increased to thirty thousand dollars, divided into shares of twenty-five dollars each, which may be sold or transferred, by assignment; that each shareholder shall be entitled to one vote in all elections.

SEC. 3. *Be it enacted*, That the stockholders in said Association shall elect five Directors, one of whom shall be elected President thereof; that they shall have power to elect a Secretary and Treasurer, and such other officers and servants as may be deemed necessary to carry out their purposes, and intent of this act.

Rights.

SEC. 4. *Be it enacted*, That said Association shall have right and power to publish, in the city of Memphis, a newspaper designated the Christian Advocate, with authority to establish a General Depository of Books; to purchase and hold real estate deemed necessary to erect buildings thereon sufficiently large to carry on said paper and book concern, under the direction of the General Conference of the Methodist Episcopal Church, South; and that the holder of any certificate of one share of the capital stock of said Company, shall forever thereafter be entitled to have and receive, gratuitously, one copy of said paper, and shall be allowed to purchase books at cost from the Depository of any of the publications of the Methodist Episcopal Church, South.

SEC. 5. *Be it enacted*, That any one or all of said corporations may open books and receive subscription for stock to said Company, and shall have succession and exist for fifty years.

Inebriate reform
society.

SEC. 6. *Be it further enacted*, That the Revs. Thos. W. Humes, R. B. McMullen and James H. Martin, be, and are hereby incorporated a body politic and corporate, under the name and style of the "Inebriate Reform Society," of Knoxville, shall have perpetual succession and are hereby invested with the right to sue in law and equity, to take and hold real and personal property for its use and benefit, as a Society, to have a seal and all other corporate rights necessary and proper to effect the ends for which this charter is granted, and is hereby subject to be sued in law

or equity, and to all other liabilities to which a corporation is subject.

SEC. 7. *Be it enacted*, That this act shall be in force from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 166.

AN ACT to incorporate the Bluff City Insurance Company of Memphis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. W. Hunt, Charles Potter, James L. Webb and W. E. Milton, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the Bluff City Insurance Company, at Memphis, and by that name shall have succession for ninety-nine years, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary to carry out the provisions of this act, and promote the objects and designs of this corporation.

Memphis Insur-
ance Co.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be three hundred thousand dollars, divided into shares of one hundred dollars each; and when one thousand shares shall have been subscribed, and the sum of ten thousand dollars paid thereon, the stockholders may meet and elect five Directors, and said Directors shall elect one of their number President, during their term of office.

Capital.

SEC. 3. *Be it further enacted*, That the affairs of said Company shall be managed by a Board of Directors, to be elected annually, consisting of not less than five, and such agents and officers as they shall appoint. A Secretary and President shall be elected annually by the Directors, and all vacancies happening in any of said offices may be filled by the Board for the remainder of the year for which they were elected. The Board shall have power to declare by by-laws what number of Directors, less than the whole, shall constitute a quorum for the transaction of business,

as also the number of Directors to be elected, and the time and place of holding the annual elections. The Directors shall have power to require security in all stock subscribed, and not paid in, if they deem it expedient for the safety of the Company, and generally to adopt that course they may think best calculated to advance the interests of the Company.

Rights and powers.

SEC. 4. *Be it further enacted*, That the said Company shall have full power and authority to make Insurance against losses by fire, at such a rate of premium, and upon such terms and conditions as may be agreed upon, on any house, tenement, manufacturing or other building, and on goods, wares and merchandise, and other effects therein; and on hay, grain and other agricultural products in barns, stacks, or otherwise; and generally on all kinds of buildings, goods, wares and merchandise, and effects, together with every species of property, pursuit or business, in the pursuit and prosecution of which there is any loss or risk, and also to make and effect insurance on lives, of whatsoever sort or nature; to contract for, grant and sell annuities and reversionary payment; to take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to them, with their consent, upon any trust or trusts whatever, at any time or times, by any person or persons, body or bodies corporate, or by any Court of the United States, or of this State, and to administer, fulfill and discharge the duties of such trusts, and to make, execute and perfect such contracts, bargains, agreements, policies and other instruments, as shall or may be necessary, and as the nature of the case may require; and every such contract, bargain, agreement, policy or other instrument, to be made by the said Company, shall be in writing or print, under the corporate seal, signed by the President, and attested and signed by the Secretary, or other officers who may be appointed by the Directors for that purpose: *Provided, however*, that the Company shall not exercise any of these powers, until the full subscription of one thousand shares shall be made, and five dollars on each be paid.

Dividend.

SEC. 5. *Be it further enacted*, That the Directors of said Company, shall, on the first Mondays of January and July, in each and every year, declare and divide so much of the profits of said Company, as to them shall appear advisable, first deducting all losses and expenses, and pay the said dividend to the respective stockholders, or to the agents duly empowered to receive them; but the monies received as premiums upon risks which remain undetermined and outstanding at the time of declaring such dividend,

shall not then be considered as part of the profits of the said Company, or divided as such; and if any loss shall happen, whereby the capital stock of the said Company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the said capital stock; and if the Directors shall knowingly make a dividend or dividends, contrary to the true intent and meaning of the prohibition herein contained, such of them as shall consent thereto, shall, in their individual capacity, be accountable for and pay over to the said Company, for the use thereof, as much money as they may so divide and pay, more than by this act they are authorized to do; and each Director in office at the time of making such dividend hereby prohibited, shall be deemed as consenting thereto, unless he or they shall at the time of making and declaring the same, be absent from the meeting of the Board of Directors, or if present, shall immediately enter his or their protest or protests, on the minutes of the Board.

Director's liability.

SEC. 6. *Be it further enacted*, That in the election of Directors of said Company, the stockholders shall be entitled to the following number of votes, to wit: for two shares, one vote; for six shares, two votes; for ten shares, three votes; for sixteen shares, four votes; for twenty-four shares, five votes; for fifty shares, six votes; for seventy-five shares, seven votes; and for one hundred shares, or upwards, eight votes. Absent stockholders may be represented by proxy.

SEC. 7. *Be it further enacted*, That should the said Company at any time fail to meet its engagements, each person holding stocks at the time of such failure, shall be individually liable for the debts of the Company, to the amount of the balance unpaid on the stock of such stockholder; and if any officer, agent or other person, connected with or doing business for or with said Company, shall fraudulently embezzle or appropriate to his or their own use, or the use of any other person or persons, any money or other property belonging to said Company, or left with it or them as a special deposit or otherwise, he or they, upon conviction thereof in the Criminal Court of the city of Memphis, Tennessee, shall be fined in a sum not less than five hundred dollars, and be sentenced to and undergo an imprisonment in the Penitentiary, or county prison, for any time not exceeding two years, at the discretion of the Court: *Provided*, that this conviction shall not prevent any person aggrieved from pursuing his or her civil remedy against such person or persons.

Individuals' liability.

SEC. 8. *Be it further enacted*, That the business of

the Company shall be carried on at such place in the city of Memphis, Tennessee, as the Directors shall designate, and such agencies out of Memphis as they may establish.

Balance sheet.

SEC. 9. *Be it further enacted*, That within thirty days after close of each fiscal year, the officers of said Company, shall cause to be made and printed a general balance sheet, showing the amount of capital stock, amount of premiums and interest on investments received during the year, amount of expenses and amount of losses during the year, the balance remaining with the Company, the nature of such securities in which said balance is invested, and the amount of cash on hand, also a full account of existing policies, and the Directors shall cause the said statement to be published at least in one newspaper published in the city of Memphis, for two weeks.

State bonus.

SEC. 10. *Be it further enacted*, That said Company shall pay to the State an annual tax of one half of one per cent. on each share of the capital stock subscribed, which shall be in lieu of all other taxes.

Hernando Insurance Company.

SEC. 11. *Be it further enacted*, That W. E. Elliott, Joseph Lenoor, J. D. Hornley, Henry T. Halbert, E. M. Apperson, and their associates, be, and they are hereby incorporated a body politic and corporate, under the name and style of the Hernando Insurance Company, of Memphis; and in this name may sue and be sued, have a corporate seal, to alter and renew at pleasure, and shall have and possess all the powers, privileges and immunities, and be subject to all the pains and penalties in the act incorporating the Bluff City Insurance Company of Memphis.

De Soto Insurance Company.

SEC. 12. *Be it further enacted*, That James C. Jones, J. L. Fowlkes, John Houston J. J. Murphy and W. B. Richmond, and their associates, be, and they are hereby incorporated a body corporate and politic, under the name and style of the De Soto Insurance and Trust Company, at Memphis, and in this name, may sue and be sued, have a corporate seal, to alter and renew at pleasure, and shall have and possess all the powers, privileges and immunities, and be subject to all the pains, penalties and forfeitures in the act establishing the Bluff City Insurance Company of Memphis.

Fayetteville Incorporation.

SEC. 13. *Be it further enacted*, That the corporate limits of the town of Fayetteville, in Lincoln county, be, and they are hereby extended to the following limits, viz: Beginning on Norris' creek, where what is known as the Tan Yard Branch runs into said creek; running thence with the meanders of said branch to the southeast corner of the Tan Yard, now owned by George Steinbroker; thence, with what is known as Fulton's line, to the south

west corner of the Tom Maberry lot; thence to the southwest corner of the lot deeded to the Trustees of Milton College; thence north to the northwestern boundary of said lot; thence to the northwestern corner of the Female Academy lot; thence east, to what is known as Dry creek, on the lands of James Bright; thence with the meanders of said creek to Norris' creek; thence with Norris' creek to the beginning.

SEC. 14. *Be it further enacted*, That none of the lands included within the above limits, which were not included in its former chartered limits, shall be subject to corporation taxes until the same be laid off as town lots.

SEC. 15. *Be it further enacted*, That C. M. Hester, George Faxon, George Harwell, G. A. Henry and James M. Quarles, and their successors, are hereby constituted a body corporate and politic, under the name and style of the Clarksville Insurance Company, with the power to establish offices in Memphis and Nashville, with all rights, powers, privileges, immunities, &c., hereby granted to the Bluff City Insurance Company, of Memphis, and all amendments thereto. Clarksville Insurance Company.

SEC. 16. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 167.

AN ACT to amend the charter of the White Plains Turnpike Company, and the act of March 2, 1834, amendatory thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third section of an act, passed January 30, 1852, incorporating Patrick Brady and Edward Brady, Jr., as a body politic and corporate, by the name of the White Plains Turnpike Company, be so amended as to appoint William S. Walker, of Putnam county, as a Commissioner, instead of Jesse Eldridge, of Overton county, who shall act in connection with John Alred, of White county, as Commissioners on said road, as directed in said act. Patrick Brady.

Toll gates.

SEC. 2. *Be it enacted*, That the thirty-fourth section of an act, passed March 2, 1854, amendatory of said act, passed January 30, 1852, incorporating said Patrick Brady and Edward Brady, Jr., as a body politic, by the name of the White Plains Turnpike Company, as above recited, be so amended, that said Company shall have the power to remove the present location of their said toll-gate, situated as directed in said act of March 2, 1854, to any point on said road they may elect: *Provided*, the same shall not be located nearer than five miles of their other gate, or within one-half mile of the town of Crossville, and that they shall not be entitled to charge any greater amount of tolls at each of said gates than they are now by law entitled to receive.

Loosa Hatchie
Turnpike Co.

SEC. 3. *Be it enacted*, That Henry B. S. Williams, Henry I. Cannon, Shepherd Jackson, and their associates, be, and they are hereby constituted a body corporate and politic, under the name and style of the Loosa Hatchie Turnpike Company, for the purpose of building and keeping up a Turnpike across Loosa Hatchie, in the county of Fayette; beginning at a point on the Memphis and Ohio Railroad, known as Big Spring Station, (formerly Galloway's switch); extending thence south across Loosa Hatchie river and bottom to the main road leading from Wythe Depot east to Hickory Wythe.

SEC. 4. That said Loosa Hatchie Turnpike Company shall have succession for thirty years, with all the powers, privileges and liabilities of other Turnpike Companies to erect toll-gates, not exceeding two and charge the usual toll-fees.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 168.

AN ACT for the benefit of Railroad Tax Collectors, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several Railroad Tax Collectors are hereby allowed the further time of one year in which to collect all arrearages due and unpaid, with the same powers and rights which they possessed for that purpose, while actually in office; but nothing in this act shall be so construed as to affect the liabilities of such Collectors and their securities. Said Collectors shall pay over to the proper authority, such arrearages as the same shall be collected. Railroad collector.

SEC. 2. *Be it further enacted*, That the Secretary of State, be, and is hereby directed to furnish two additional copies of the Acts of the present session, and of the Revised Code to the county of Obion. Secretary of State.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 169.

AN ACT to allow the citizens of Van Buren county to file bills in McMinnville, Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be lawful to file bills against citizens of Van Buren county, in the Chancery Court at McMinnville, or at Sparta. Chancery courts

SEC. 2. *Be it enacted*, That bills may be filed in the Chancery Court at Centreville, by or against citizens of the county of Lewis, or in the Chancery Court at Columbia as heretofore, at the option of persons filing the same.

SEC. 3. *Be it further enacted*, That this act take effect from its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 170.

AN ACT incorporating the Memphis City Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis City Schools shall hereafter be placed under the exclusive management and control of a Board of Visitors, consisting of as many members as there may be Wards in said city, each Ward electing one member, as hereinafter directed. And that said Board are hereby created and constituted a body politic and corporate, by the name and style of the Board of Visitors of the Memphis City Schools, who shall have succession, and by the name and style aforesaid may purchase, receive, hold and possess property of any kind in trust for the use of said City Schools, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of record, and courts of inferior jurisdiction. And said Board shall have power to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and generally to do and execute all acts, matters and things, which a corporation or body politic in law, may and can lawfully do and execute.

SEC. 2. *Be it further enacted*, That the members of said Board of Visitors shall be chosen in each Ward of the city of Memphis, by ballot, on the first Saturday of June, in each year, by such voters as are entitled to vote for Mayor and Aldermen of said city; and the Mayor shall cause at least ten days previous notice of said election to be given in one or more newspapers in said city; the city Marshal holding the polls, and appointing three judges of election in each Ward, and the members so chosen, shall hold their offices for one year from the first day of the next succeeding July, and until their successors are elected.

SEC. 3. *Be it further enacted*, That the Board of Visitors shall choose from their own members a President, and a Secretary, and a Treasurer, either within or without their own body. The Treasurer to give bond in such penalty as the Board may direct, for the proper and faithful performance of his duties, and with such securities as the Board may approve, and all contracts, orders, drafts upon the school funds, notes, bonds, obligations, conveyances, transfers, and other instruments of writing made or executed by the Board, shall be signed by the President, and shall be countersigned by the Secretary, or by such

other person as shall be duly and legally authorized by said Board, and, when necessary, sealed with the corporate seal of said Board. Said Board shall have power to employ and dismiss superintendents, teachers, agents, servants, &c., and determine their compensation, to contract for school-rooms, purchase furniture, fuel, fixtures, apparatus, books, stationery, maps, globes, and whatever else they may deem necessary for the proper instruction of pupils, and adopt such rules and regulations for their own government and for the government of the schools, as they may deem expedient, keeping a full record of their proceedings; and said Board shall have power to fill vacancies occurring in their own body.

SEC. 4. *Be it further enacted*, That no one shall be admitted as a free pupil in said city schools except the children of white persons residing within the limits of the city; but, the Board of Visitors may admit children living beyond said limits, upon payment, in advance, to the Treasurer, of such tuition fees as they shall prescribe, and such payment may also be taken for pupils whose parents or guardians reside out of the city but permit their children or wards to reside within it, to attend the city schools. And the Board may, at their discretion, prescribe higher branches of study than those which are commonly taught in the public schools of cities, and fix to such branches of study reasonable tuition fees, to be paid by such pupils as may engage in them: *Provided*, the school funds be inadequate to pay the increased expenses. Pupils.

SEC. 5. *Be it further enacted*, That all moneys accruing to those civil districts of Shelby county, which embrace within their boundaries any portion of the city of Memphis, shall be paid to the treasurer of the Board of Visitors, in the proportions to which those portions are entitled by their amount of scholastic population. The treasurer of the city of Memphis shall also pay over to the treasurer of the Board of Visitors all school moneys which may be in his hands; and the Board of Visitors shall, in the month of June every year, make an approximate estimate of the expenses of the city schools for the next ensuing year, and submit the same to the Mayor and Aldermen, whose immediate successors in office shall proceed to levy a tax upon such property as is taxed for other city purposes, not to exceed a ratio of ten dollars for every white youth in the city between the ages of eight and sixteen years. This tax, to be called the school tax, shall be collected by the tax collector of the city, and paid to the treasurer of the Board of Visitors as collected, subject only to the orders of said Board. Districts. Tax..

SEC. 6. *Be it further enacted*, That at the close of every scholastic year, on the 30th of June, the Board of Visitors shall publish, for the information of their constituents, an annual report, setting forth their principal doings and expenses for the year, together with their estimate of expenses for the succeeding year.

SEC. 7. *And be it further enacted*, That all previous acts in reference to the Memphis city schools are hereby repealed, and that this act shall take effect from and after its passage.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 171.

AN ACT for the relief of Cheatham county.

WHEREAS, Through the oversight of the last General Assembly, the act establishing Cheatham county did not give the Court of said county any power to levy any tax for 1856, but gave to the old counties the power to levy a tax upon the citizens of Cheatham county: Whereas, the counties of Davidson and Montgomery, in pursuance of this power, did tax the citizens of Cheatham county to pay their own county expenses of 1856, and did collect said tax after the organization of Cheatham county, in April, 1856; and, whereas, the county of Cheatham incurred a heavy debt for its county expenses in 1856, and for the extraordinary expenses incident to its organization, from which it cannot be relieved, except by double and excessive taxation, all of which has happened through the imperfect legislation of the last General Assembly. Therefore,

SEC. 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the Treasurer is hereby required, out of the school fund for 1858, to pay over to Cheatham county the share of the School and Academy fund, to which said county was entitled in 1857, according to its scholastic population.

SEC. 2. *Be it enacted*, That the share of Cheatham county in the Academy fund, shall be paid over to Mill-

Taxes.

School fund.

wood Institute, which is hereby incorporated as the County Academy: *Provided*, this appropriation meet the approval of the County Court of Cheatham county.

SEC. 3. *Be it enacted*, That the County Courts of Cheatham, Davidson, and Montgomery counties may each appoint a Commissioner, and it shall be the duty of the Commissioners of Davidson and Cheatham counties to run anew the dividing line between said counties, and that it shall also be the duty of the Commissioners of Cheatham and Montgomery counties to run anew the dividing line between said counties, and said lines, when run, shall be the established boundaries between Cheatham and Davidson, and Cheatham and Montgomery counties. County lines.

SEC. 4. *Be it enacted*, That the name of the county town of Cheatham county shall be changed from Ashland to Sewance: *Provided*, That a majority of the County Court at its next April term, shall vote for this change.

SEC. 5. *Be it further enacted*, That the County Court of the county of Cheatham shall have the power to change the name of the county town of said county from Ashland to Cheathamville, or to whatever name said County Court may agree upon; *Provided*, That a majority of said County Court, at its next April term, shall vote for the said change; and that the said town shall be incorporated with such rights, powers, and privileges, as are conferred by the incorporation of the town of Clarksville, with such boundaries as a majority of the citizens of said town may agree upon.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 172.

AN ACT to authorize the election of an additional Justice of the Peace in the Tenth Civil District of Blount County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected by the qualified voters of the Tenth Civil District, including the town of Louisville, in the county of Blount, one additional Justice of the Peace, who shall reside within the corporate limits of said town of Louisville.

SEC. 2. *Be it enacted*, The Constable of said District shall, after giving thirty days notice, in three or more public places in said District, proceed to open and hold said election, at the voting ground in said District; and said Justice of the Peace shall forever thereafter be elected as other Justices of the Peace for said county of Blount.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 173.

AN ACT to incorporate the Woodford and Turnersville Turnpike Company, and the Brown's Creek and Robertson Academy Turnpike Company, and the Rockwood Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the subscribers of stock for building a road from the eastern terminus of the Clarksville and Port Royal Turnpike, with or near the road by the way of Woodford to Turnersville, as in the act provided, shall constitute a body, corporate and politic, by the name of Woodford and Turnersville Turnpike Company.

SEC. 2. *Be it enacted*, That the capital stock of said Company shall be sufficient to construct said road, divided into shares of twenty dollars each.

SEC. 3. *Be it enacted*, That G. A. Woodson, John R. Elkhott, B. F. Moody, of the county of Montgomery; Dr. A. D. Cage, John W. Pennington, of the county of Cheatham; James Darden, Sampson Rosson, E. E. Peacher, of the county of Robertson, be, and they are hereby, appointed Commissioners, any five of whom may act, to open books, at any time and place they may choose, for the subscription for stock to be used in the construction of said road.

SEC. 4. *Be it enacted*, That as soon as five thousand dollars are subscribed for, in cash or labor, any three of the Commissioners shall appoint a meeting of the subscribers at Woodford, Montgomery county, giving said subscribers ten days notice of said meeting. The stockholders, or as many of them as shall assemble, shall elect seven Directors, each of whom shall be a stockholder; each shall have as many votes as he has shares, as well in th

election of Directors as in all other matters in which, by this act, he may be entitled to vote. He may vote in person, or by proxy—the proxy to be a stockholder, authorized in writing, conferring the general power to vote as his representative, or a special power to cast his vote in the particular way directed; and the Directors thus elected shall appoint one of their members President, who shall hold their office for two years, and until their successors are elected.

SEC. 5. *Be it enacted*, That, on the election of the first Directors, they shall proceed, in such manner as they think best, to solicit and procure additional subscription for stock, and shall, either by themselves or some competent person appointed by them, survey, lay out and locate said road, and do whatever else that may be necessary and proper to have said road built.

SEC. 6. *Be it enacted*, That not more than five dollars shall be called on each share at any one time, of which the stockholders shall have twenty days notice.

SEC. 7. *Be it enacted*, That any person, over whose land the road may run, may petition the Circuit Court, whereupon the Court shall order the Sheriff to summons a jury of five freeholders to assess the damage according to law; upon the return of the report to the Court, if confirmed, judgment shall be rendered and execution shall issue.

SEC. 8. *Be it enacted*, That materials may be taken by said Company, or its agents, from any land adjacent or convenient to the road, for the making and repairing thereof; or, if damages are claimed therefor, they shall be recovered as provided for in Section 7: *Provided further*, That the President and Directors may purchase and hold five acres of land adjacent to each toll-gate.

SEC. 9. *Be it enacted*, That the road shall be graded sixteen feet wide, with sufficient ditches and culverts to drain the water, and shall be within five degrees of a level, covered with beaten stone or gravel, the first coat of gravel or stone to be twelve feet wide, six inches thick; the second coat to be eight feet wide, five inches thick, of the usual size that is common on turnpike roads. Width of road.

SEC. 10. *Be it enacted*, That said Company, so soon as they have completed five miles of said road, may erect a gate on any point of said road the Directors may deem proper, charge and receive toll the same as the Clarksville and Port Royal Turnpike Company receive, and may continue to erect gates and receive tolls for every five miles, when the same is completed, provided they are not placed nearer than five miles of each other; and they may sue and be sued, plead and be impleaded, by the name and Gates and tolls.

style of the Woodford and Turnersville Turnpike Company, and shall have all the privileges, rights, powers, and immunities, given by law to the Clarksville and Port Royal Turnpike Company, and said Company shall have succession for ninety-nine years.

SEC. 11. *Be it enacted*, That the Directors and Stockholders, when appointed, shall have power to pass all necessary by-laws, and that the Company shall have five years to commence and five years to build said road.

SEC. 12. *Be it enacted*, That the President and Directors shall elect three freeholders not interested in said road, directly or indirectly, who, after being duly sworn, shall examine and value said portion of said road as may be built by the labor of said stockholders and undertakers, and return the same to the President and Directors of said Company, who shall issue a certificate of stock to such stockholders or undertakers for the amount of the valuation returned as aforesaid.

Brown's Creek
and Robertson
Academy Turn
pike Company.

SEC. 13. *Be it enacted*, That Felix R. Rains, N. P. Corbitt, West H. Humphreys, A. G. Payne, C. W. Nance, Thomas Chilton, William B. Ewing, and Wm. H. Hagans, or any three of them, be, and they are hereby constituted, a body corporate and politic, with power to lay out and construct a macadamized or gravel turnpike road, beginning at, or near, the crossing of the Nolensville turnpike, over Brown's creek, and to run in a south-easterly direction, the most practicable route to Robertson Academy, under the name and style of the Brown's Creek and Robertson Academy Turnpike Company.

SEC. 14. *Be it further enacted*, That said Company shall have and enjoy all the rights, privileges and immunities given by law to the Nolensville Turnpike Company, the Mill Creek Valley Turnpike Company, and the Owen and Winston Turnpike Company, so far as the same are consistent with the provisions of this act, and be subject to all laws governing said Companies.

Commissioners.

SEC. 15. *Be it enacted*, That Isaac G. Coles, A. M. Turner, Robert Lawrence, J. G. Frazer, Sidney Smith, James Tompkins, Jesse Hunt, A. Kennedy, and — Jackson, or any five of them, be, and they are hereby appointed Commissioners to open books for the subscription of stock to the amount of ten thousand dollars, in shares of twenty-five dollars, to be used in building a turnpike road, beginning on the Lebanon and Nashville turnpike road at or near Mrs. Clay's, running north via Jesse Hunt's and R. Lawrence's, intersecting the Lebanon and Cole's Ferry turnpike at or near Samuel Cole's, with the

privilege of extending said road to Cole's ferry, and erecting one gate upon the same at any point they think best.

SEC. 16. *Be it enacted*, That, so soon as five thousand dollars shall have been subscribed, a meeting of the subscribers for stock shall be held at Johnson's school-house, of which ten days notice shall be given, and the said subscribers for stock shall then, or at some subsequent meeting by them appointed, elect from their number five Directors, who shall elect such officers as they may think necessary.

SEC. 17. *Be it enacted*, That said subscribers for stock, when thus organized, shall constitute a body corporate, by the name of the Rockwood Turnpike Company, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and make all necessary rules and regulations for the government of said Company; shall have all the powers and privileges, and be governed by the same rules and restrictions as is the Statesville and Caniesville Turnpike Company, so far as they may be applicable to, and not conflicting with, any of the express provisions of this act, and shall have two years in which to complete their road.

SEC. 8. *Be it enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 174.

AN ACT for the further relief of the securities of W. B. Holden, late Sheriff of Marshall county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed December the 18th, 1855, chap. 10, entitled, An act for the relief of the securities of William B. Holden, late sheriff of Marshall county, be so amended that the further time of one and two years from the second Monday in June, 1858, be given to said securities to pay the liabilities of said Holden to the State of Tennessee, for the revenue by him collected for the year 1853, upon the said securities on or before the second Monday in June, 1858, paying the one-third part of said revenue, and all the interest, to said

Holden's securities.

second Monday in June, 1858, then and in that case it may be lawful for the said securities to renew their notes, payable to the State of Tennessee for the balance or two-thirds of said revenue, payable in equal amounts, in one and two years, upon the further condition that they give good and sufficient security upon said notes, to be approved by the clerk of the Circuit Court of Marshall county, and by the Attorney General of the 8th Judicial Circuit, each note to bear interest from date. Nothing in this act shall ever be construed to lessen the liability of the securities of said Holden, until the whole of said revenue is paid.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the County Court of Marshall county, at any quarterly term, to give such time to said securities for the county revenue, as, in their judgment, the circumstances may justify.

Nol. pros. as to C. W. Cheny, et als.

SEC. 3. *Be it further enacted*, That the Attorney General for the State be authorized and directed to dismiss, or enter a *nolle prosequi*, with the consent of the Supreme Court of this State, in the suits now pending in said Court against C. W. Cheny, A. C. Colwell, Wm. M. Folwell, and J. B. Kirtland, for a violation of the act of 1827, against private banking, upon defendants' paying all costs.

Horn.

SEC. 4. *Be it further enacted*, That the names of Jno. C. Horn and Howell N. Horn, of Henry county, be changed to John C. Edwards and Howell N. Edwards.

SEC. 5. *Be it further enacted*, That the 6th section of an act passed on the 22d of February, 1856, chapter 161, be so amended as to read Nathaniel W. Carter instead of Nathaniel C. Carter.

Faller.

SEC. 6. *Be it further enacted*, That the name of Vincent Faller, of Hamilton county, be changed to Vincent Fallen.

T. Hamilton securities.

SEC. 7. *Be it further enacted*, That it shall be lawful for the securities of Thomas Hamilton, late tax collector of Tipton county, to execute their notes, with good and sufficient security, under the supervision of the District Attorney General, to be approved by him and the clerk of the Circuit Court of Tipton county, for the State revenue, collected by the said Hamilton, and still due from him, which note shall be made payable two years after given, bearing interest from date, and shall be drawn payable to said clerk of the Circuit Court of Tipton county and his successors in office, for the benefit of the State of Tennessee, and shall be collected by said clerk, when due, and the proceeds accounted for by him, as other public moneys:

Provided, That nothing in this act shall be so construed as to release either the said Hamilton or any of his securities, or lessen their liabilities until the whole amount is paid.

SEC. 8. *Be it further enacted*, That Edward West, former sheriff and collector of the county of Union, pay over to the county commissioners of said county whatever of balances in his hands of revenue by him collected for the years 1854 and 1855, to be applied, as the county court of said county may direct, in defraying the expenses in the erection of the public buildings of said county. Edward West.

SEC. 9. *Be it further enacted*, That David Taylor, Jr., of the county of Monroe, in this State, who has some Cherokee blood in his veins, is hereby declared to be a competent witness in all judicial proceedings. His oath, though subject to be impeached on the ground of credibility, as that of other competent witnesses is liable to be, shall be taken. David Taylor, jr.

SEC. 10. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 175.

AN ACT to make good certain entries South and West of the Congressional Reservation Line, and to prevent litigation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all entries of lands made by any of the entry-takers South and West of the Congressional Reservation Line, be, and the same are hereby legalized and made valid: *Provided*, nothing in this act shall be so construed as to prejudice the rights of other entries already acquired. Entries.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 176.

AN ACT to provide an annual sum for the support of the State Institution for the education of the Deaf and Dumb, and to give three hundred dollars worth of furniture to the Nashville House of Industry.

Deaf and Dumb. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the expiration of the present fiscal year, the sum of two hundred dollars be and is hereby annually appropriated for each pauper mute in attendance upon the deaf and dumb asylum at Knoxville, to be paid to the trustees of said institution upon the warrant of the comptroller in semi-annual instalments, the first instalment to be paid the first day of July, 1858.

Treasurer. SEC. 2. *Be it further enacted,* That the sum of five thousand dollars (\$5,000) be and is hereby appropriated out of the State treasury, to be expended under the direction of said trustees, in the erection of suitable workshops for the purpose of teaching the male mutes in attendance upon said asylum, useful trades, and that said trustees report to the next Legislature the manner in which said sum has been expended.

SEC. 3. *Be it further enacted,* That all annual appropriations made to said school by previous laws be and the same are hereby repealed, and that any sum of money that may have already been drawn for the year 1858, in accordance with such laws shall be deducted from the amount specified in and appropriated by this act.

Comptroller. SEC. 4. *Be it further enacted,* That the comptroller shall first have the certificate of the county court clerk of the county in which such pauper mute has resided, under his seal of office, of the fact that such pupil is a pauper, which certificate shall first be given to the trustees of the institution, and be by them presented to the comptroller before he issues his warrant: *Provided,* That where a pupil is in attendance at said school during only a portion of the year the trustees shall only be entitled to receive a part of the said sum of two hundred dollars, proportionate to the time of attendance.

Keeper of the Penitentiary. SEC. 5. *Be it further enacted,* That the agent and keeper of the penitentiary is hereby authorized to deliver to the order of the president of the Nashville House of Industry, furniture to the amount of three hundred dollars in value, for the purpose of furnishing the rooms of the inmates of said institution.

SEC. 6. *Be it further enacted,* That the sum of twenty-

five hundred dollars be and the same is hereby appropriated out of the State treasury to be expended under the direction of the Board of Trustees of the Tennessee School for the Blind, at Nashville, in the erection of suitable workshops, and for the purchase of material to be used in the various manufactories in said institution. That, in addition, the said institution for the blind shall be authorized to order from the penitentiary an amount of furniture provided for in the act passed at the present session, not exceeding \$700, and that the sum thus left unexpended may be devoted to furnishing such workshops. Blind School.

DANIEL S. DONELSON,
Speaker of the House of Representatives.
JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 177.

AN ACT to provide for the printing of the Revised Code, and to compensate the Revisors, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Return J. Meigs and Wm. F. Cooper, the revisors of the statutes, be appointed to superintend the printing of the work, with authority to make such side notes, head notes, indexes, and tables, as may be necessary and proper for such a work, so that side notes be not dispensed with.

That they have authority to transpose the order of the sentences, and to change the order of arrangement where necessary to the completeness and perfection of the work, and to change the phraseology so far as such transfers may render necessary.

To number the sections and to fill blanks by reference to the proper sections, and do such other acts in relation thereto as may be necessary to render the work complete: *Provided*, that said revisors shall in no respect change the substance matter of said code as enacted by this General Assembly.

That they, in conjunction with the committee on the code, being instructed to insert under the proper heads, and report to the two Houses the legislation of this session, as soon as may be.

That the code so completed shall constitute the body of the public statutes of the State of Tennessee.

Revised code.
Secretary.

That the original, now in the hands of the committee, be copied by Henry L. Claiborne, the clerk of the committee, and carefully compared by the revisors and the Secretary of State, and be signed by the Speakers of the two Houses, when presented to them after the rise of the session, and deposited in the office of the Secretary of State.

That the engrossed copy now in the hands of the committee be also signed by the Speakers, to authenticate the same.

That said engrossed copy be furnished to the printers in parts as soon as the enrollment of each part and comparison is complete.

That in printing the work, the quality of the work shall be equal to the copy of Rhode Island Statutes now in the State library.

Materials to be
used.

That the revisors are authorized to see that the paper, letter-press, and binding are equal thereto, and otherwise to see to the proper execution of the work during its progress, and to forbid the use of improper or inferior materials.

Copyright price.

That the copy-right of the work be reserved to the State, and that it be sold to citizens at the price of three dollars per copy.

That an edition of six thousand copies be printed, of which five thousand shall be bound as soon as practicable.

That two thousand copies of the code be exposed to sale in such mode as the Secretary of State, under the advice of the Governor, may direct.

That the printers be allowed until the fifteenth of August to furnish to the Secretary of State the said five thousand copies.

Secretary of
State's duties in
distributing the
code.

That the Secretary of State shall at once proceed, on the delivery thereof, to cause them to be distributed as the public acts are distributed, giving a copy to each person entitled to a copy of the public acts; that he further give to each of the revisors one copy, to each clerk of the Senate and House of Representatives one copy, each attorney-general of this State one copy, and Henry L. Claiborne, clerk of the joint committee on revisal, one copy, and to each of revisal committee six copies; and making exchanges in the same manner, and to the same officers, States, and governments as are provided for in relation to the public acts.

That the revisors, for their services up to the final publication of the work, shall each be entitled to a warrant from the comptroller for the sum of four thousand dollars.

That the printers shall, before entering upon the work,

give bond to the Governor, as required by law, for the execution of the work according to the terms herein set forth, and shall have the compensation fixed by law for printing the reports of the decisions of the Supreme Court.

That for any delay beyond the time fixed, the printers shall forfeit one hundred dollars per day, to be deducted from their pay: *Provided*, that on the certificate of the revisors that the printing of the work has been delayed by the omission of duties they were to perform, such time shall be added by way of extension to the time given for the printers to complete the work.

Time allowed the printers.

That said H. L. Claiborne, for his services in copying the revisal, shall be allowed the sum of three hundred and fifty dollars, to be paid by the treasurer on the warrant of the comptroller, which shall be issued upon the certificate of the Secretary of State, that the work has been completed.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Passed March 20, 1858.

CHAPTER 178.

AN ACT to incorporate an Auxiliary Board to publish Books for the Blind.

WHEREAS, Dempsey Sherrod, G. S. Yerger, J. C. Carpenter, S. P. Bailey, Hon. C. P. Smith, and Hon. W. L. Sharkey, of the State of Mississippi, have taken steps to organize and establish a publishing house for the purpose of publishing books in raised letters for the use of the blind:

And, whereas, benevolent friends of the enterprize have subscribed a considerable amount in furtherance of said object, and a charter has been obtained in the State of Mississippi organizing a Board for the collection and security of said subscriptions, and such other subscriptions and donations as may be made, and to transmit the same to the Publishing Board in Louisville, Ky.; and, whereas, the said Publishing Board has been chartered and organized in Louisville, Ky.; and, whereas, to supply said publishing house with a sufficient capital, contributions from the several States will be necessary; and, whereas, to ac-

Books for the blind.

comply with this object acts of incorporation will be applied for in other States, the object of which incorporation will be to aid and effectually secure for this purpose the means that may be contributed in each State: therefore,

Trustees

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That N. S. Brown, C. K. Winston, J. M. Sturdevant, A. L. P. Green, and F. B. Fogg, and their successors be, and they are hereby declared to be a body corporate, under the name and style of the Board of Trustees, to aid in establishing a publishing house to print books, &c., for the benefit of the blind, and as such shall have power to sue and be sued, plead and be impleaded in any Court of Law or Equity in this State, have a common seal, and to make such contracts as may be necessary to effect the objects of the incorporation.

SEC. 2. *Be it further enacted*, That the Board of Trustees above named shall continue in office until their offices become vacant by death, resignation, removal from the State, or until removed from office as hereinafter set forth, and such vacancy shall be filled by a vote of the remaining members of the Board.

Agents

SEC. 3. *Be it further enacted*, That Dempsey Sherrod is hereby appointed the General Agent of said Board of Trustees to solicit subscriptions and contributions for the above purpose in this and the other States of the Union, and to apply to other States for an act of incorporation similar to this, for which said Board is authorized to pay him a reasonable remuneration. Upon his death, resignation, or removal, the Board of Trustees shall have power to appoint another. Said General Agent may appoint other agents to aid him in the work: *Provided*, the said Board may dismiss either or all of said agents, including the General Agent, and that each shall report to the Board and be remunerated by it.

SEC. 4. *Be it further enacted*, That if any accusation for neglect or mal-practice, or other cause is alleged against any member of said Board of Trustees, the remaining members of said Board may cite him to answer, and may, by their judgment, three-fourths concurring therein, remove him from his said office as a member of said Board.

SEC. 5. *Be it further enacted*, That said Board of Trustees shall appoint a Secretary and Treasurer. It shall be their duty to keep a minute of all their proceedings, copies of which, certified by the Secretary, shall be sufficient to prove said entries when the same are necessary to be proved, and the same may be used as evidence in the Courts of this State.

SEC. 6. *Be it further enacted*, That said Board of Trustees shall have power to receive contributions, donations of money and other property, and to loan the same at lawful interest until it may be needed for the purpose aforesaid, and shall transmit from time to time to the Publishing Board as may be required, in such manner as the said Publishing Board may direct: *Provided*, no transmission shall be made until the Printing Board is ready to commence publication; and provided further, that, in case the said Publishing Board should not commence publication in ten years from the approval of this charter, then the contributions, with the interest thereon, shall be returned to the several contributors, their heirs and assigns, deducting necessary expenses therefrom. In such event the contributors, in case the Board should refuse to make the distribution according to the provisions of this act, are hereby authorized to sue said Board of Trustees for the same: *Provided*, however, that said Board of Trustees shall not be individually liable for the same, unless the same is lost by their own neglect. Powers.

SEC. 7. *Be it further enacted*, That the said Board of Trustees shall meet at such time as N. S. Brown may designate, for the purpose of organizing, and shall then elect a President, Secretary, and Treasurer, who shall continue in office one year, or until the election of their successors. Officers.

SEC. 8. *Be it further enacted*, That it shall be the duty of said Board of Trustees to hold a meeting on the third Monday of November in each year, in the city of Nashville, Tenn., and to hold such other meetings as may be convened by the President, the place of meeting to be designated by the President. Meetings.

SEC. 9. *Be it further enacted*, That said Board shall require from the Treasurer bond and good security; said bond to be in the penalty of not less than ten thousand dollars, payable to the President and his successors in office, conditioned that he will take care of and account for the money and property of the Board in his hands, and well and truly perform his duties. Said Board shall have power to pay the Secretary and Treasurer a reasonable compensation for their services.

SEC. 10. *Be it further enacted*, That said Board of Trustees shall make an annual report of the moneys received and appropriated, and of all their proceedings, which report shall be published in two newspapers published in the city of Nashville. Report.

SEC. 11. *Be it further enacted*, That all funds and property given, granted, devised, or sold to incorporate Universities, Colleges, Schools, Academies, Convents, and Funds.

Monasteries and Churches, of this State, for the purpose of sustaining and promoting such institutions, as endowments or otherwise, shall be exempt from taxation, whether such funds or property consist of real or personal estate.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed March, 22, 1858.

CHAPTER 179.

AN ACT for the benefit of James C. Luttrell, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury of the State of Tennessee be authorized to issue his warrant, payable to J. C. Luttrell, for seventy-five dollars, for signing and numbering one hundred and fifty coupon bonds for construction of State Capitol, and for twenty-four dollars for signing and numbering forty-eight coupon bonds for the purchase of the Hermitage, making an aggregate amount of ninety-nine dollars.

Comptroller.

SEC. 2. *Be it further enacted*, That the Comptroller of the Treasury issue his warrant to the Nashville Gas Light Company for the sum of ninety-six dollars and forty cents for twenty-four thousand one hundred feet of gas, furnished by said Company, and consumed by the General Assembly, since the 22d day of February.

SEC. 3. *Be it further enacted*, That the Comptroller issue his warrant in favor of Daniel S. Donelson for the sum of seventy-five dollars, for the services of James Carter, a free man of color, in waiting on the Legislature.

SEC. 4. *Be it further enacted*, That the joint Select Committee, appointed to investigate the condition of the Comptroller's Office, be allowed the same pay as members of the Legislature, and the same mileage, and that said Committee be, and they are hereby, directed to inquire into the condition of the accounts of the Secretary of State as Superintendent of Internal Improvements.

Joint Select
Committee.

SEC. 5. *Be it further enacted*, That the Secretary of State shall hereafter, as Internal Improvement Commissioner, settle with the Internal Improvement Companies of the State quarterly, and complete, file and certify the same

Secretary of
State.

to the Treasurer on or before the first Mondays of January, April, July, and October; that upon such certificate the Comptroller shall issue his warrant authorizing the money to be paid into the Treasury by the Company.

SEC. 6. *Be it further enacted*, That the Comptroller of the Treasury shall allow Thomas B. Page and John Taylor, Commissioners of the Revenue for the State in the county of Davidson, for the sum of two and fifty hundredths dollars per day each, for every day that said Commissioners were necessarily engaged in making a statement of the revenue due the State of Tennessee, from the Criminal and Circuit Courts of said county, on or before the first day of September, 1857. Page & Taylor.

SEC. 7. *Be it further enacted*, That the account of said Commissioners shall be verified by their affidavits.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 22, 1858.

RESOLUTIONS.

NUMBER 1.

Joint Resolution to instruct our Senators in Congress, and request our Representatives, to aid in the passage of a bill granting a pension to the soldiers of the war of 1812, and of the various Indian wars.

Resolved by the General Assembly of the State of Tennessee, That our Senators in the Congress of the United States be instructed, and our Representatives most respectfully requested, to use all reasonable diligence and exertion to procure the passage through Congress, of a bill granting a pension to the soldiers of the war of 1812, and the various Indian wars, in which the Government has been engaged; and that the Governor of the State be respectfully requested to forward a copy of this resolution to the President of the Senate, and the Speaker of the House of Representatives in Congress. Pensions.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Adopted January 7, 1858.

NUMBER 2.

A Resolution providing for the number of Acts and Journals of the Legislature of 1857-8, to be printed for distribution among the several counties of this State.

Resolved by the General Assembly of the State of Tennessee, That there shall be printed of the Acts of the present session of the Legislature, for distribution among the several counties in this State, as follows:

For every Justice of the Peace, one copy; for each Sheriff, one copy; for each Circuit Court Clerk and County Court Clerk, one copy; for each Clerk and Master of the Chancery Court, one copy; for each County Trustee, County Register, Coroner, Ranger, Entry-taker, and Surveyor, one copy.

Be it further resolved, That there shall also be printed for distribution as aforesaid, one copy of Journals of each branch of the Legislature, for each Civil District in each county in this State, to wit:

Counties.	No. of Acts.	No. of Sen. Jour.	No. of Ho. Jour.	Counties.	No. of Acts.	No. of Sen. Jour.	No. of Ho. Jour.
Anderson,	33	11	11	Grainger,	41	15	15
Bledsoe,	39	14	14	Greene,	59	23	23
Blount,	45	17	17	Hawkins,	46	17	17
Bradley,	35	12	12	Hamilton,	39	18	18
Campbell,	39	14	14	Sevier,	35	12	12
Carter,	33	11	11	Scott,	35	12	12
Claiborne,	35	12	12	Sullivan,	47	18	18
Cocke,	35	12	12	Washington,	47	18	18
Bedford,	61	25	25	Grundy,	31	10	10
Cannon,	35	12	12	Hardin,	39	14	14
Cheatham,	35	12	12	Hickman,	41	14	14
Coffee,	38	13	13	Humphries,	35	12	12
Cumberland,	30	10	10	Jackson,	48	18	18
Davidson,	68	24	24	Lawrence,	42	15	15
DeKalb,	43	16	16	Lewis,	39	10	10
Hancock,	39	14	14	Lincoln,	65	25	25
Jefferson,	43	15	15	Maury,	64	25	25
Johnson,	31	10	10	Montgomery,	59	24	24
Knox,	52	19	19	Marshall,	42	15	15
McMinn,	45	17	17	Macon,	35	12	12
Meigs,	27	8	8	Overton,	35	12	12
Marrion,	37	13	13	Putnam,	42	16	16
Monroe,	51	20	20	Sequatchie,	20	12	12
Morgan,	35	12	12	Robertson,	45	16	16
Polk,	29	9	9	Rutherford,	61	25	25
Rhea,	32	10	10	Smith,	52	19	19
Roane,	45	16	16	Dyer,	37	12	12
Stewart,	35	12	12	Fayette,	43	16	16
Sumner,	50	19	19	Gibson,	54	20	20
Wilson,	63	25	25	Hardeman,	45	17	17
Van Buren,	31	10	10	Henderson,	54	20	20
Warren,	43	16	16	Henry,	56	20	20
Wayne,	45	17	17	Haywood,	45	17	17
White,	37	13	13	Lauderdale,	32	10	10
Williamson,	59	24	24	McNairy,	43	16	16

Counties.	No. of Acts.	No. of Sen. Jour.	No. of Ho. Jour.	Counties.	No. of Acts.	No. of Sen. Jour.	No. of Ho. Jour.
Benton,	31	10	10	Madison,	47	18	18
Carroll,	51	19	19	Obion,	35	12	12
Decatur,	33	11	11	Perry,	32	11	11
Dickson,	33	11	11	Shelby,	39	14	14
Fentress,	35	12	12	Tipton,	37	13	13
Franklin,	44	16	16	Weakley,	48	17	17
Giles,	55	20	20	Union,	30	12	12

Be it further resolved, That there shall also be printed and bound for each member of the Senate and House of Representatives, one copy of the Acts, and one copy of the Journals of both the Senate and House of Representatives; for the office of Secretary of State, two hundred copies of the Acts, and fifty bound copies of the Journals of each House; for each department of the Government of the United States, and for the United States Library, one copy of the Acts; for each Judge of the Supreme Court, for each Judge of the Circuit Court, for each Judge of the Criminal Court, for each Chancellor in this State, and for the Assayor of the State, one copy of the Acts; for each of the Supreme and Criminal Court Clerks, one copy of the Acts; for each Attorney General, one copy; for the Treasurer and Comptroller, each, one copy; and for each State and Territory, and for the District of Columbia, two copies of the Acts.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Passed January 26, 1858.

NUMBER 3.

Joint Resolution instructing our Senators and requesting our Representatives in Congress, to aid in the passage of a bill giving to each of the resident citizens of the United States, a Homestead of 160 acres of the public lands of the United States.

Resolved by the General Assembly of the State of Tennessee, That our Senators in the Congress of the United States, be instructed, and our Representatives respectfully requested, to use all reasonable diligence and exertion to procure the passage, by Congress, of a bill granting to each of the resident citizens of the United States, a Homestead of one hundred and sixty acres out of the public lands in the United States, upon his or her settling upon and occupying the same for the term of five years; and that the Governor be respectfully requested to forward a copy of this resolution to the President of the Senate, and to the Speaker of the House of Representatives in Congress.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Approved January 29, 1858.

NUMBER 4.

A Joint Resolution, directing the Attorney General to institute judicial proceedings against the Bank of East Tennessee, the Miners' and Manufacturers' Bank, and the Farmers' and Merchants' Bank.

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the State, be, and he is hereby instructed to institute judicial proceedings against the Bank of East Tennessee, Miners' and Manufacturers' Bank, and the Farmers' and Merchants' Bank, for the purpose of having their charters declared forfeited, for a violation of the same.

DANIEL S. DONELSON,
Speaker of the House of Representatives

JOHN C. BURCH,
Speaker of the Senate.

Adopted January 30, 1858.

NUMBER 5.

A. Joint Resolution to raise a Committee on the State Prison.

WHEREAS, The safe keeping and profitable employment of the large and rapidly increasing number of convicts in the State Prison, make it necessary to greatly enlarge the prison and extend its grounds;

And whereas, There are no grounds adjoining, which can be procured for this purpose for any price; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Inspectors of the State Prison, with the Governor of the State as Chairman of the Commissioners, be appointed a committee to ascertain the probable amount which can be realized by the State, in the sale of the present prison and the grounds belonging thereto; and also, the probable cost of fifty or one hundred acres of land near Nashville, and the probable cost of such buildings and enclosures as may be necessary to construct a suitable prison, and whether all the work on the new prison cannot be done by the convicts, and enough left at the mechanical trades in the old prison, to defray its expenses, and that they be requested to report as soon as possible.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted February 9, 1858.

NUMBER 6.

Joint Resolution.

WHEREAS, The act of 1820, commonly called the Missouri Compromise act, was inconsistent with the principles declared and laid down in the acts of 1850, better known as the Compromise Acts of that year;

And whereas, The Missouri Compromise Act was a Ball resolution. palpable wrong done to the people of slave-holding States, and should have been repealed;

And whereas, the principles of the Kansas Nebraska bill meet our unqualified approbation, and should have

received the cordial support of our Senators and Representatives in Congress.

WHEREAS, One of these Senators, Hon. John Bell, in a speech delivered against the Kansas Nebraska bill, May 25, 1854, said:

"A noble, generous, and high-minded Senator from the South, within the last few days, before the final vote was taken on the bill, appealed to me in a manner which I cannot narrate, and which affected me most deeply. The recollection of it affects and influences my feelings now, and ever will. I told that honorable Senator that there was one feature in the bill which made it impossible that I should vote for it, if I waived all other objections. I said to others who had made appeals to me on the subject, that while it would afford me great pleasure to be sustained by my constituents, yet if I was not, I would resign my seat here the moment I found my course upon this subject was not acceptable to them. As for my standing as a public man, and whatever prospects a public man of long service in the councils of the country might be supposed to have, I would resign them all with pleasure. I told that gentleman, that if upon this or any other great question, affecting the interests of the South, I should find my views conflicting materially with what should appear to be the settled sentiment of that section, I should feel it my imperative duty to retire.

"I declare here to-day, that if my countrymen of Tennessee shall declare against my course on this subject, and that shall be ascertained to a reasonable certainty, I will not be seen in the Senate a day afterwards."

Therefore, be it resolved by the General Assembly of the State of Tennessee, That we fully concur with the Hon. John Bell, as to the duty of a Senator, when the voice of his constituency has decided against him on a question materially affecting their interests.

Be it further resolved, That in our opinion, the voice of Mr. Bell's countrymen of Tennessee, in the recent elections, has declared against his course on the Kansas Nebraska bill, a question of vital importance to the South.

Be it further resolved, That our Senators in the Congress of the United States, are hereby instructed, and our Representatives are requested, to vote for the admission of Kansas as an independent State, under what is termed the Leecompton Constitution, transmitted to the Senate and House of Representatives, in Congress assembled, by President Buchanan, in his message to them, dated of the 2d of February, 1858.

Kansas.

Be it further resolved, That the Governor of this State forward a certified copy of these resolutions to our Senators and Representatives in the Congress of the United States.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURGH,
Speaker of the Senate.

Adopted February 10, 1858.

NUMBER 7.

Resolution instructing the delegates from Tennessee in relation to the Postal Laws.

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives be requested, to use all possible means to so amend the postage laws, as to allow any person to endorse his or her name on any public document or newspaper he or she may desire to forward, to any person or place in the United States, and that His Excellency, the Governor, be requested to forward copies of this resolution to each of our said Senators and Representatives in Congress.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Adopted February 12, 1858.

NUMBER 8.

Joint Resolution, in relation to the execution of the treatise of 1817 and 1819, with the Cherokee Indians, by making provision for the extinguishment of the rights in fee simple, to the Children, and reservation of dower of the Widows of the heads of families, taking reservation under the same.

WHEREAS, Suit has already been instituted by the children in remainder, against the citizens of this State, for the recovery of the land: *And whereas,* The persons in possession of the same, petitioned the last Congress of the United States, to extinguish Indian title, by carrying into

effect the treaty of 1835 and 1836, by paying for the reservation as stipulated, and upon the said petition of the citizens of this State, the Committee on Indian Affairs of the House of Representatives in Congress, after a full investigation of the subject, made on the thirteenth day of February, 1857; a report of the same, with an accompanying bill, proposing to pay the full and fair value of the reservation in fee simple, to the children, and the reserved dower of the widows or legal representations; upon first filing in the office of the Secretary of the Treasury, full releases to the United States of their rights respectively.

And be it resolved by the Senate and House of Representatives of the State of Tennessee, That our members of the Senate and House of Representatives in the Congress of the United States, are hereby requested to vote for, and use their influence in favor of the passage of the bill proposed at the last session of Congress, or some other bill of like character, that will effect a speedy settlement and relinquishment of the reversion in fee simple, to the children, and reservation of dower to the widows of the heads of families, taking reservations under the treaties of 1817 and 1819.

Resolved further, That His Excellency, the Governor, be requested to send a copy of the foregoing resolutions to the Senators and Representatives in Congress.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted February 13, 1858.

NUMBER 9.

Joint Resolution requesting our Senators and Representatives in Congress to aid in the passage of a law giving to the old Soldiers in the War of 1812, six hundred and forty acres of the public domain.

WHEREAS, Among the Soldiers of the War of 1812, who still survive, many are in indigent circumstances, and unable from age and infirmity to earn a living. *And whereas,* It is a just principle in a free government, that those who defended the country in a great and perilous struggle, should not only be fairly compensated, but liberally rewarded, and especially preserved from want: therefore,

Resolved by the General Assembly of the State of Tennessee, That our Senators and Representatives in Congress, be, and they are hereby most respectfully requested to use their aid and influence in the passage of a law appropriating to each Soldier of the War of 1812, with Great Britain, and all the Indian Wars of that date, who served as long as three months, six hundred and forty acres of land, to be located on any part of the public domain not otherwise appropriated, or a full pay pension of five years instead thereof, at the option of the soldier.

Resolved, That the benefits of such a law should apply to the widows of such soldiers, who still survive in such proportion as a sound discretion may dictate.

Resolved, That a copy of this preamble and resolution be forwarded by the Governor, to each of our Senators and Representatives in Congress.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Adopted February 15, 1858.

NUMBER 10.

A Joint Resolution.

Resolved by the General Assembly of the State of Tennessee, That the thanks of the members of both branches of the Legislature are justly due, and are hereby tendered unanimously to Messrs. Heiskell, Bullock and Bicknell, appointed by the Joint Select Committee on the Revised Code of Tennessee, for the labor and attention which they have bestowed on this work, and that they merit the confidence and ought to receive the thanks of the whole people of the State, for their supervision of the work, and the immense amount of labor which they have devoted to it.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Adopted February 24, 1858.

NUMBER 11.

Joint Resolution as to the Maps and Plats in the office of the Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Librarian of the State be authorized and requested to take charge of the Maps and Plats in the Secretary of State's office, and have the same arranged, refitted and preserved in the State Library.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted February 26, 1858.

NUMBER 12.

A Joint Resolution directory to the Governor and Comptroller.

Resolved by the General Assembly of the State of Tennessee, That the Governor and Comptroller, be and they are hereby requested to report to this General Assembly, at their earliest convenience, the following information, to wit:

1st. The amount of School Funds now belonging to the State, from what source or sources received, and where and in what invested.

2d. The amount of dividends and bonus received by them from the Union Bank, under an act passed February 27, 1854, and invested by them in six per cent. bonds of the State and the amount received, and not so invested, if any.

3d. The amount received by them, of the dividends arising from the School Fund Stock in the Union and Planters' Banks, and invested as directed by the above named act.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted March 4, 1858.

NUMBER 13.

A Joint Resolution.

WHEREAS, Larkin Cardin made an entry in the Entry-takers office of the Hiwassee District, upon which a grant issued to him, dated the 15th of October, 1827, for one hundred and sixty acres of land lying in the county of Monroe, Range three, east of the Meridian, township two, section twenty-seven, and the ——— quarter of said section, all of which is evidenced by a certified copy of said grant.

And whereas, Afterwards a suit in ejectment was brought in the Circuit Court of Monroe county, which was decided against him at the May term, 1852, of said Court, and he was turned out of possession with heavy costs: therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Hon. James M. Welcker, Judge, &c., be appointed Commissioner to hear proof and examine into the legality of the claim of the said Larkin Carden, and report to the next General Assembly of this State, his conclusions in the premises, together with the necessary amount of costs by him expended in said suit, together with any other facts he may deem necessary to attain the ends of justice.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Adopted March 5, 1858.

NUMBER 14.

Joint Resolution in regard to the Tennessee Historical Society.

WHEREAS, The Tennessee Historical Society has met with much success in the prosecution of its laudable purposes: *And whereas*, By the gratuitous services and persevering efforts of the President, officers and Members, it has obtained many rare and valuable works and articles, and has received assurances of further contributions, all or most of which are destined to become the permanent property of the State; therefore,

Be it resolved, That the Senate and House of Representatives of the State of Tennessee, highly commend to the public favor and confidence, the said Society and its objects, and that for the proper safe keeping and exhibition of such books and other articles aforesaid, they may, for the present, be deposited in the State Library, in the care of the State Librarian.

That the rooms now occupied by the Federal Court, when vacated by said Court, shall be devoted to the uses of a State Geological and Agricultural Museum, and for the Tennessee Historical Society.

DANIEL S. DONELSON,

Speaker of the House of Representatives

JOHN C. BURCH,

Speaker of the Senate.

Adopted March 6, 1857.

NUMBER 15.

A Joint Resolution to raise a Special Committee on State Liability, &c.

Resolved by the General Assembly of the State of Tennessee, That a Joint Special Committee of the two Houses is hereby appointed, whose duty it shall be, as soon as practicable, to report to this General Assembly, as near as possible, the sum necessary to meet the present indebtedness and prospective liabilities of the State, for the two succeeding years, and whether the existing Revenue Laws will furnish the necessary sum for the liquidation of said liabilities.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted March 8, 1858.

NUMBER 16.

Joint Resolution directory to the State Librarian.

Resolved by the General Assembly of the State of Tennessee, That the duty of carrying on the exchange of books and documents with other States and Governments, now devolving on the Secretary of State, be transferred

to the State Librarian, and the expenses be paid as heretofore.

That five hundred copies of the Catalogue of the Library, when completed, be printed for the use of the two Houses, under the direction of the Librarian.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH
Speaker of the Senate.

Adopted March 8, 1858.

NUMBER 17.

Joint Resolution directory to the Treasurer.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer cause all the stationery that may be on hand at the close of this session, together with the carpeting, coal, buckets, queensware, inkstands, and other articles, to be carefully preserved for the use of the next General Assembly, and for such services he shall receive a reasonable compensation.

DANIEL S. DONELSON,
Speaker of the House of Representatives.

JOHN C. BURCH,
Speaker of the Senate.

Adopted March 18, 1858.

NUMBER 18.

A Joint Resolution directory to the Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be, and he is hereby directed to register in a book, to be kept in his office for that purpose, all bonds of the State which have been heretofore or may be hereafter paid and cancelled, which registry shall show the date, number, amount and time, and place of payment, and to whom issued and paid, of each of said bonds, and when said bonds shall have been thus registered, the same shall be by the Governor, Comptroller, Treasurer and Secretary of State, or any three of

them, burned, and the fact certified upon said Registry by the officers witnessing the same.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted March 19, 1858.

NUMBER 19.

Resolution to provide for paying the Joint Select Committee to examine the books, accounts, &c., of the Comptroller and Secretary of State.

Resolved by the General Assembly of the State of Tennessee, That the Committee heretofore appointed to examine into the accounts, books, &c., of the Comptroller and Secretary of State, be allowed the same mileage and per diem allowed members of the General Assembly, and upon the certificate of members of the number of days engaged in said investigation, it shall be the duty of the Comptroller to issue his warrant upon the Treasurer for the same, at the rate of four dollars a day and mileage, as herein provided.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Adopted March 20, 1858.

NUMBER 20.

Resolved by the General Assembly of the State of Tennessee, That Messrs. Meigs and Cooper, be, and they are hereby directed to place the names of the Sub-Committee, to wit:—Messrs. Bullock, Heiskell and Bicknell, on the title page of the Revised Code of Tennessee, in such manner as to them shall seem proper.

DANIEL S. DONELSON,

Speaker of the House of Representatives.

JOHN C. BURCH,

Speaker of the Senate.

Passed March 20, 1858.

SECRETARY OF STATE'S OFFICE, }
Nashville, June 10, 1858. }

I have compared the foregoing Acts and Resolutions with the originals on file in my office, and find them correct copies; except such material errors as are indicated by the *errata* hereto appended.

It is probably due myself, as well as the Printers, to add, that when I entered upon the duties of my office, (but a few days since,) I found most of the Acts in the hands of the *Binder*, having been already acted upon by my predecessor; it remained, however, for me to make the certificate required by law, which I do, with these explanations.

J. E. R. RAY,
Secretary of State.

E R R A T A .

At Page 48, chap. 36, section 1, 4th line—"State of" should be added.					
"	49,	"	36,	"	2, 5th " "for" should read at.
"	53,	"	37,	"	3, 4th " "Cinder" should read "Cinclear."
"	53,	"	37,	"	7, 8th " "Polled" should be inserted.
"	54,	"	37,	"	9, 6th " "in cases of constables" sh'd be omitted.
"	57,	"	39,	"	4, 12th " Should be omitted.
"	57,	"	39,	"	11, 3d " "duties" should be added.
"	57,	"	39,	"	11, 6th " "1858" should be added.
"	60,	"	40,	"	7, 2 & 5 " "shall" should read "may."
"	62,	"	40,	"	13, 7th " "Wagons" should be added.
"	67,	"	40,		The date of the act should be Jan. 29, '58.
"	67,	"	41,	"	1, 18th " "Road" should read "Railroad."
"	70,	"	42,	"	5, 6th " "Rates" should read "votes."
"	72,	"	42,	"	8, 29th " "applicant" should read "appellant."
"	73,	"	42,	"	8, 46th " "said" should be inserted.
"	75,	"	42,	"	13, 10th " "procuring" should read "securing."
"	89,	"	42,	"	58, 12th " "a" should read "as."
"	91,	"	42,	"	64, 3d " "so" should read "to."
"	98,	"	47,	"	10, 5th " "officers" should read "offices."
"	107,	"	50,	"	12, 58d " "preceding" should read "succeeding."
"	109,	"	50,	"	15, 24th " "said" should read "his."
"	113,	"	52,		In caption, "1486" should read "1856."
"	137,	"	66,	"	2, 55th " "or offences" should be inserted.
"	143,	"	67,	"	12, 2d " "necessary" should be inserted.
"	148,	"	69,	"	13, 9th " "set" should read "at."
"	158,	"	72,	"	1, 8th " "have been or" shoud be added.
"	158,	"	71,	"	1, 3d " "The Nashville Building Association" should be added.
"	167,	"	74,	"	31, 5th " "West" should read "East."
"	179,	"	79,	"	26, 4th " "or" shqud read "of."
"	195,	"	85,	"	10, 13th " "West" should read "East."
"	214,	"	94,	"	3, 4th " "Painter" should read "Pointer."
"	281,	"	110,		The date of act sh'd be 4th instead of 1st
"	301,	"	113,		Caption of act should read "South-Western."
"	331,	"	131,	"	15, 5th " "or loose" should be inserted.

INDEX.

A.			Ch.	Sec.	Page.
Agricultural Bureau, for the benefit of,			33	1	44
Allen Robert Livingston, name changed,			10	1	9
Athenaeum, Columbia, incorporated,			54	6	116
Academy, Chapel Hill, Marshall county, incorporated,			27	1	27
“ Winston Male, “			27	7	28
“ Dresden Female, “			27	12	29
“ Morristown Female, “			35	1	46
“ Duck River Male, “			35	5	46
“ Mount Pleasant Female, “			46	5	85
“ McCain's, “			54	1	115
“ Fairmount Male, “			84	7	190
“ Mt. Carmel, in Williamson county, incorporated,			91	1	207
“ West Point Male, “			91	7	208
“ Huntington Female, may be sold,			92	3	209
“ Flat Creek Male, site exempted from taxes,			92	10	211
“ Spring Hill, in White county, incorporated,			95	1	217
“ Flat Creek Male, “			95	4	218
“ Sale Creek, in Hamilton county, “			95	10	219
“ Spring Hill Female, Maury “			95	13	220
“ Durhamville Male, “			97	15	230
“ Beech Grove, in Lauderdale county, incorporated,			97	17	233
“ Mount Horeb, “			104	1	245
“ Clarksburg Female, “			104	7	246
“ Spring Hill Male and Female, Henry county, incorporated,			107	6	260
“ Grassland, “			113	7	285
“ Richmond Male, “			113	9	285
“ Clifton Masonic, “			117	1	98
“ Station Camp, “			117	10	99
“ Floral Mount Female, “			134	2	337
“ Male, of Macon county, charter amended,			134	5	338
“ Caledonia, Henry county, incorporated,			134	9	338
“ Manlyville Male and Female, Henry county, incorporated,			134	14	339
“ of Music, Chattanooga Normal, established,			159	1	377
“ Lawrence, benefit of Trustees of,			159	12	378
“ Franklin, permanent Board appointed for,			159	15	379
“ Cheatham County, incorporated,			159	26	381
Adkins, Calvin, of Hamilton, relief of,			115	1	296
Angel, Henry C., and securities, for relief of,			102	1	242
Appropriations to defray expenses of General Assembly, &c.,			151	1	360
B.					
Barrel Company, Oakvale, incorporated,			125	12	319
Bar, members of, certain privileges abolished, and equal rights conferred, &c.,			139	1	345
Rastomb Rhetorical Society, incorporated,			159	9	378
Bate, Wm. B., for the benefit of,			164	1	391
Blind, Tennessee School for, appropriation,			176	6	410
Blind, Auxiliary Board to publish books for incorporated,			178	1	413
Bridge Company, Big Creek, incorporated,			70	19	155
“ “ Hanner's Mill, “			70	24	179
Building and Loan Association, Memphis, act supplemental to act of incorporation,			72	1	157
“ “ “ Mechanics of Nashville, may increase shares,			72	3	158
“ “ “ City “ “ “ “ “			72	4	158
Byrd's Commercial College at Memphis, incorporated,			11	1	10
Buffalo Creek declared navigable,			152	1	367

	Ch.	Sec.	Page.
County of Tipton, to provide for removing county seat	102	1	384
“ of Sequatchie, county site provided for,	102	4	385
“ of Obion, additional copies of Acts and Code provided for,	108	2	390
“ of Van Buren, citizens of may file bills in McMinnville,	109	1	399
“ of Lewis, citizens of may file bills in Centreville or Columbia,	109	2	399
“ of Cheatham, for relief of,	171	1	402
“ of Blount, may elect additional Magistrate for Tenth Civil District,	172	1	403
Circuit Court of Cheatham county, time and place of holding defined,	1	1	1
“ “ in Decatur, Haywood, Davidson, Putnam, and Lauderdale, time of holding changed,	82	1	186
“ “ in Ninth Circuit, time of holding changed,	93	2	212
“ “ of Sevier and McMinn, Clerk's office to be supplied with State Reports,	112	1	283
Chancery Court at Shelbyville, time of holding changed,	93	1	212
“ “ in Cheatham county, established,	93	3	213
“ “ in Cumberland county, established,	93	4	213
“ “ in Centreville, time of holding changed,	93	5	213
“ “ in Bolivar, Somerville, Covington, and Ripley, time of holding changed,	93	6	214
“ “ in Maynardsville county of Union, established,	139	1	344
Code, Revised, printing provided for, &c.,	177	1	411
County line between Morgan and Scott; Monroe and McMinn; Wayne, Decatur and Hardin; Roane, Anderson; and Morgan, Maury and Hickman; Van Buren and Bledsoe; and DeKalb and Putnam, changed,	129	1	394
County line of Lewis county, changed,	136	4	343
County Court of Davidson, directory to,	160	1	392
D.			
Deaf and Dumb, annual sum for support provided,	176	1	410
E.			
Entries South and West of the Congressional Reservation line made good,	175	1	409
Escheats, an act granting relief against in certain cases,	51	1	112
F.			
Fire Police Incorporated for Nashville, Clarksville, Memphis, Chattanooga, and Knoxville,	149	4	353
Flour, an act for the inspection of in Nashville and Clarksville, &c.,	140	1	346
Free Negroes to work on roads,	131	17	331
Fuller, Vincent, name changed,	174	6	408
Furnace Company, Holston, incorporated,	114	31	294
G.			
Gilbert, Robert R., benefit of,	81	1	185
Giles county, Governor to appoint Judge for, during December,	20	5	92
H.			
Hays, William, name changed,	8	1	7
Hanner High School, in Warren county, name changed,	43	1	92
Ham, John J., name changed,	43	2	92
Harmonia Dramatic Society, incorporated,	159	4	377
Hermiltage, act to purchase amended,	52	1	113
Hickman county, Fourteenth Civil District established,	20	1	22
High School, Poplar Grove Male, incorporated,	67	10	143
“ “ LaGuerele,	91	6	203
Holden, W. B., late Sheriff of Marshall, relief of,	174	1	407
Holsten Presbytery, incorporated,	132	1	333
Horn, John C. and H. N., name changed,	174	4	408
Hotel, Yellow Springs Company, incorporated,	71	1	155
Hospital, Memphis, appropriation for,	141	1	348
Humphreys, J., of Carter county, may adopt David French,	115	2	296

Navigation laws of Forked Deer River amended,	-	-	-	-	-	12	1	11
Nashville, Charter amended,	-	-	-	-	-	68	1	145
" may hold real estate beyond its limits,	-	-	-	-	-	69	11	148
" charter amended, and powers granted,	-	-	-	-	-	69	12	149
" and Rowena Coal Company, charter amended,	-	-	-	-	-	96	2	223
" Young Men's Christian Association, and First Baptist Church of, incorporated,	-	-	-	-	-	98	1	234
" Coal Company, charter amended,	-	-	-	-	-	138	1	345
" Commercial College, incorporated,	-	-	-	-	-	159	23	381
" House of Industry, benefit of,	-	-	-	-	-	176	5	410
" Gas Light Company, benefit of,	-	-	-	-	-	179	1	416
Nolle Prosequi authorized in case of Cheney, Caldwell, and others,	-	-	-	-	-	174	3	408

Page, Thos. B., and John Taylor, Commissioners of the Revenue for the State in Davidson county, compensated,	179	6	417
Penitentiary, directory to the keeper of, for the benefit of Nashville House of Industry,	176	5	410

Railroad trains to stop at intersections,	40	35	66
Railroad Company, Edgefield and Kentucky, charter amended,	18	1	18
" " Louisville and Nashville,	18	9	26
" " Chattanooga, Harrison, Georgetown and Charleston, in relation to,	25	1	26
" " Tennessee Valley, Georgia and Selma, incorporated,	30	1	49
" " Memphis, Clarksville and Louisville, further time,	38	1	55
" " Memphis and Ohio, for the relief of,	41	1	67
" " Winchester and Alabama, regulating bridge aid,	41	2	67
" " Greenville and North Carolina, chartered,	42	1	69
" " Mississippi River,	42	28	78
" " Central Southern, for the benefit of,	44	1	93
" " Memphis and Ohio, Memphis, Clarksville and Louisville, consolidated,	49	1	100
" " Memphis and Ohio, act for relief of amended,	53	14	115
" " Chattanooga and Cleveland, for the benefit of,	58	1	123
" " Virginia, Tennessee and North Carolina, chartered,	60	1	126
Railroad, Nashville and Northwestern, time extended,	60	7	139
" Central Southern.	60	8	128
" Cincinnati, Cumberland Gap, and Charleston, law construed,	76	1	171
" South Carolina, Tennessee and Kentucky, name changed, &c.,	76	4	172
" Cleveland and Ducktown, chartered,	86	1	197
" Rogersville and Jefferson, for the benefit of,	87	1	109
" Nashville and Northwestern, and Memphis, Clarksville and Louisville Companies consolidated, and law construed,	89	1	205
" McMinnville and Chattanooga company, amended,	103	17	256
" Southwestern Company, charter amended,	118	1	301
" Knoxville and Charleston, and Southwestern Companies, time extended,	130	1	326
" Tennessee, Western and Charleston Companies, time extended,	130	3	338

	Ch.	Sec.	Page.
Railroad Atlantic, Tennessee and Ohio Companies, time extended,	130	4	396
" Nashville and Chattanooga Company, duties imposed,	130	5	396
" Tennessee and Alabama Company, charter amended,	130	6	396
" Memphis and Charleston Company, benefit of,	150	1	358
" Central Southern, for the benefit of,	161	1	382
" Nashville and Chattanooga Company, State aid transferred from Memphis			
and Charleston Company to, on certain conditions,	161	3	383
" Louisville and Nashville, charter amended,	163	1	386
" " " " " " " " " " " "	163	12	389
" Edgefield and Kentucky, and Nashville and Henderson, charter amended,	163	11	389
" East Tennessee and Virginia, express agency authorized,	163	13	399
" Tullahoma and Southern, further time,	163	17	399
" Nashville and Knoxville, " " " " " " " "	163	18	399
" Tax Collectors, for the benefit of, " " " " " " " "	169	1	399
River, Forked Deer, navigation laws amended,	12	1	11
Register of East Tennessee to transcribe certain record books,	48	1	98
Register of Nashville to perform certain duties of Secretary of State,	138	1	378
Red river declared unnavigable,	65	6	134
Relief of Dr. Wm. C. Bruce, late Trustee of Haywood county,	127	1	329
" D. C. Bullard, tax collector of Claiborne county,	127	2	329
" Wm. C. Russell, tax collector of Jackson county,	127	3	329
" Peter D. Wynn, tax collector of Shelby county,	127	5	329
" Andrew Johnson, late Sheriff of Lewis county,	135	1	342
" F. M. Boyd, L. M. Luttrell, Wm. J. McNew,	136	1	343
" Joseph R. Simpson and others, citizens of Washington county,	142	1	348
" James Curtis and others, " " " " " " " "	145	1	352
" W. B. Holden, late Sheriff of Marshall county,	174	1	407
" Securities of T. Hamilton, " " " " " " " "	174	7	408

S.

Savage, Hon. A. M., benefit of widow of,	120	1	303
Secretary of State, directory to,	158	2	376
" " " " " " " " " " " "	168	2	399
" " " " " " " " " " " "	179	5	416
Seminary, Winchester Female, incorporated,	27	13	29
" Bluff Spring, " " " " " " " "	27	41	34
" Nourse, for the benefit of, " " " " " " " "	45	1	94
" Bois D'Arc, incorporated, " " " " " " " "	46	1	94
" Milton Male and Female, incorporated,	104	8	246
" Collington Female, " " " " " " " "	105	1	248
" Cane Creek, " " " " " " " "	105	3	251
" Brownsville Female " " " " " " " "	105	11	252
" Cave, " " " " " " " "	158	16	379
Seldenstricker, Bernard, name changed,	43	2	82
Somerville, town of, charter amended,	23	1	25
Sheriff of Lewis county, late, Andrew Johnson, relief of,	135	1	342
Sheriffs of Cumberland, Cocke, Hamilton and Madison counties, may appoint additional			
deputies, " " " " " " " "	153	1	369
Sheriffs may levy on Railroad stock and sell,	163	14	390
Shelbyville, act establishing Mayor's Court at, amended,	159	22	351
Smith, R. L., and Benj. Wright, relief of,	101	1	241
State Treasury, to correct a mistake in paying money into,	149	1	354
Steam Mill Company, Covington, incorporated,	123	1	312
Surveyor and Entrytaker, offices consolidated in Lawrence, DeKalb, White, Macon,			
Grundy, Decatur, Humphreys and Wilson counties,	126	1	321
Surveyor and Entrytaker, offices consolidated,	131	11	330

T.

Taylor, David, made competent witness,	174	9	409
Teachers of Schools, act regulating qualifications, amended,	75	1	170
Tennessee, State of, pay John Blair, James Johnson and others, moneys,	78	1	174
Telegraph Company, Memphis and New Orleans, incorporated,	31	1	59
" East Tennessee, chartered,	77	1	173
" Nashville and Paducah, charter amended,	77	5	174
Tidwell James, for the relief of the securities of,	9	7	1
Tipton county, to take the vote in reference to the removal of the Seat of Justice,	9	2	2
Typographical Union, Franklin, incorporated,	111	1	261
Town of Spring Creek, chartered,	39	1	56
" Alexandria, charter amended,	39	7	57
" Harrison, " " " " " " " "	39	12	58

	Ch.	Sec.	Page.
Town of Rheatown, Green county, incorporated, - - - - -	47	1	96
" Campbellsville, line changed, - - - - -	47	4	97
" Lynnville, charter amended, - - - - -	47	6	97
" Fayetteville, corporate limits extended, - - - - -	47	8	98
" Mt. Pleasant, charter amended, - - - - -	47	9	98
" Manchester, incorporated, - - - - -	50	2	103
" McMinnville, charter amended, - - - - -	50	20	111
" Flynn's Lick, manner of electing Magistrate changed, - - - - -	50	21	111
" Tullahoma, Coffee county, incorporated, - - - - -	55	1	118
" Maryville, limits extended, - - - - -	63	5	131
" Rheatown, voting place at Pearce's Mill established, - - - - -	63	7	132
" Carthage, charter amended, - - - - -	66	1	133
" Cainsville incorporated, - - - - -	67	15	144
" New Providence, Montgomery county, incorporated, - - - - -	69	1	145
" Normandy, Bedford county, incorporated, - - - - -	69	2	146
" Fall Branch, Sullivan and Washington counties, incorporated, - - - - -	69	4	147
" Clarksburg, Carroll county, incorporated, - - - - -	69	7	147
Towns, election of Justices modified, - - - - -	69	11	148
Town of Hartsville, incorporated, - - - - -	74	1	160
" Statesville, charter amended, - - - - -	74	4	161
" Dover, boundaries extended, - - - - -	74	5	161
" Ripley, incorporated, - - - - -	74	7	162
" Newburn, Dyer county, incorporated, - - - - -	74	18	165
" Deloach, " - - - - -	74	30	166
" Bradyville, " - - - - -	74	33	167
" Lawrenceburgh, corporate limits extended, - - - - -	74	38	168
" Bristol, " - - - - -	74	37	168
" Blountville, charter revived, - - - - -	74	47	170
" Shelbyville, Lebanon and Fayetteville, Mayor's Court established, - - - - -	80	1	183
" Jonesboro' may license carriages, &c., - - - - -	80	9	185
" Goodlettsville, Smithville, Bellbuckle, Wartrace, incorporated, - - - - -	81	1	191
" Winchester, Mayor of, Magistrates jurisdiction, and A. Hancock granted further time to close business, - - - - -	81	17	196
" Clarksville, charter amended, - - - - -	132	3	311
" Springfield, corporation may elect constable, - - - - -	134	15	340
" Kingston, charter amended, - - - - -	134	16	340
" Mason's Grove, incorporated, - - - - -	134	18	340
" Cleveland, charter amended, - - - - -	134	20	341
" Friendship, county of Dyer, incorporated, - - - - -	149	12	357
" Morganton, " Blount, - - - - -	149	14	357
" Dover, powers of Mayor and Aldermen, &c., - - - - -	149	20	358
" Cleveland, powers of Marshal of, - - - - -	149	19	358
" Shelbyville, act establishing Mayor's Court at, amended, - - - - -	153	22	371
" Fayetteville, corporate limits extended, - - - - -	166	13	396
Turnpike, Franklin and Stone's River, charter amended, - - - - -	4	1	4
" Road in Obion county, Wm. H. Guy & Co. allowed further time to build, - - - - -	4	5	4
" Company, Memphis and Germantown, charter amended, - - - - -	7	1	6
" Stone's River and Statesville, act amending charter repealed, - - - - -	13	1	11
" Shelbyville and Fayetteville, charter amended, - - - - -	14	1	12
" " Unionville, " - - - - -	14	2	12
" Lebanon and Lowe's Ferry, incorporated, - - - - -	16	1	13
" Clarksville and Russellville, charter amended, - - - - -	16	8	15
" Lebanon and Cole's Ferry, " - - - - -	16	9	15
" Davidson and Wilson County Central Company, incorporated, - - - - -	17	1	16
" Jackson, Somerville and Memphis Company, charter amended, - - - - -	22	1	25
" Road, Mt. Pleasant and Hampshire, building authorized, - - - - -	40	1	59
" Company, Beersheba Springs and Tracy City, incorporated, - - - - -	40	7	60
" " Memphis and Somerville, charter amended, - - - - -	40	6	60
" " Carthage, Alexandria and Red Sulphur Springs, further time, - - - - -	40	19	64
" " Spring Hill and Rally Hill, chartered, - - - - -	40	20	64
" " Statesville and Cainesville - - - - -	40	32	66
" " Hydes Ferry, may change location of road, - - - - -	40	33	66
" " Mooresville and Linville, may change location, - - - - -	42	25	78
" " Eagleville, Unionville and Shelbyville, charter amended, - - - - -	53	1	113
" " Nashville, Murfreesboro' and Shelbyville, " - - - - -	53	5	114
" " " " " " - - - - -	53	3	114
" " Fayetteville, Mulberry and Lynnville, - - - - -	53	6	114
" " Blountville, Middletown and Elizabethtown, charter amended, - - - - -	53	12	115
" " McMinnville and Sparta, - - - - -	53	13	115
" " Columbia and Fountain Creek, " - - - - -	64	1	132
Road, Messrs. Simpson further time to build, - - - - -	64	3	132
" " A. Phillips' charter revived, - - - - -	70	1	151
" Levisburg and Mooresville, charter amended, - - - - -	70	5	159
" " Cornersville and Pulaski Company, further time, - - - - -	70	6	159
" Gallatin Company, may remove gate, - - - - -	70	7	159
" Walnut Mountain Company, further time, - - - - -	70	9	153
" Charlotte and Harpeth, incorporated, - - - - -	70		

	Ch.	Sec.	Pag.
Turnpike, road from Brady's road to Rhea county line, W. C. Greer allowed to build,	131	12	330
" Cayer's Springs Company, incorporated,	131	19	331
" Columbia Central Company, charter amended,	132	1	367
" Owensville, Elizabethtown, Doe River Cave and Iron Mountain Company, further time,	152	2	367
" Little Doe and Roane's Creek Company, further time,	152	3	367
" Christiansa and Hoover's Gap Company, incorporated,	132	7	367
" Beech Grove and Bellbuckle, "	152	8	368
" road from Point Mountain to State line may be built by Robert Allen, Owen and Winstead Company, charter amended,	153	1	371
" Nashville and Hillsboro' " " amended,	153	9	373
" Murfreesboro' and Bradyville Company, charter amended,	155	10	373
" White Plains " " "	155	11	373
" Loosa Hatchie " incorporated,	167	1	397
" Woodford and Turnersville " "	167	2	398
" Brown's Creek and Robertson Academy Company, incorporated,	173	1	404
" Rockwood Company, incorporated,	173	13	406
Turner, S. T., for the benefit of,	173	17	407
	81	2	188

U.

University of the South, incorporated,	29	1	36
" Central of the General Conference, of the M. E. Church, South, incorporated,	32	1	41
" Cumberland, incorporated,	95	16	290

W.

Walker, H. K., and others, for the benefit of,	24	1	23
West, Edward, to pay over balance to the county of Union,	174	8	41/2
Wright, Benj., and R. S. Smith, for relief of,	101	1	241

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